

King	Murphy	Shaheen
Klobuchar	Murray	Stabenow
Leahy	Nelson	Tester
Levin	Pryor	Udall (NM)
Markey	Reed	Walsh
McCaskill	Reid	Warner
Menendez	Sanders	Warren
Merkley	Schatz	Whitehouse
Mikulski	Schumer	Wyden

## NAYS—42

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

## NOT VOTING—7

Coburn	Landrieu	Udall (CO)
Cochran	Moran	
Cruz	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42.

The motion is agreed to.

### NOMINATION OF LAUREN MCGARITY MCFERRAN TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Williams nomination.

Mr. REID. I yield back all time.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

Harry Reid, Christopher Murphy, Elizabeth Warren, Kirsten E. Gillibrand, Ron Wyden, Tom Harkin, Angus S. King, Jr., Richard Blumenthal, Charles E. Schumer, Mazie Hirono, Amy Klobuchar, Barbara Boxer, Tammy Baldwin, Bernard Sanders, Sheldon Whitehouse, Jeff Merkley.

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

The question is, Is it the sense of the Senate that debate on the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, De-

partment of Energy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. MURPHY), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 34, as follows:

[Rollcall Vote No. 315 Ex.]

## YEAS—57

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

## NAYS—34

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

## NOT VOTING—9

Barrasso	Cruz	Moran
Coburn	Inhofe	Murphy
Cochran	Landrieu	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 34.

The motion is agreed to.

### NOMINATION OF ELLEN DUDLEY WILLIAMS TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY-ENERGY, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Ellen Dudley Williams, of Maryland, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to give my remarks while seated at my desk.

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

Mr. ROCKEFELLER. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. ROCKEFELLER. For hours and hours.

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

### FAREWELL TO THE SENATE

Mr. ROCKEFELLER. Madam President, I come today with a spirit of reflection and optimism about our future. I am also compelled towards an honest assessment of where we are as a body—of the promise of what we can achieve when we don't shy away from compromise and what we can't achieve when we refuse to compromise.

I also have very much on my mind that the job of public service is very hard work, and it is an extremely noble and honorable calling. Here in the U.S. Senate we have the unique ability and responsibility to do very big things: ignite innovation in our schools and industries, grow and protect a healthy country, foster global change borne from policies that lead the globe. At the same time, we have the opportunity to touch individual lives with case management. One on one, with casework, we often reach people in their darkest hour.

I love the Senate. I love the Senate. I love the intensity of the work, the gravity of the issues, and I love fighting for West Virginians here. I learned to love this fight, as many of you know, as a 27-year-old VISTA worker in the tiny coal community of Emmons, WV. It was a place that set my moral compass and gave me direction, where everything in my real life actually began. It is where I learned how little I knew about the problems people faced there and in other places in the country, how little I knew, and what a humbling experience that was for me.

My time there was transformative. It explains every policy I have pursued and every vote I have cast. It was where my beliefs were bolted down and where my passions met my principles. Emmons was where I came to understand that out of our everyday struggles we can enlarge ourselves. We can grow greater. Truly making a difference couldn't be an afterthought. It never could. Rather, it requires a singular focus and relentless effort. It would be hard, but the work mattered. That is the deal here.

Important undertakings can't be halfhearted. You have to commit your whole self—almost like pushing a heavy rock uphill. With both of your hands you push, because if you let up for a split second with either hand, you and the rock go tumbling backwards into the abyss. There is always so much at stake.

Even today in West Virginia too many are struggling. They are fighting to survive. I called them hardworking

when I really should say hard-surviving, but they are hardworking and trying to survive. They are wary of the future. They are scared of their possibilities. Sometimes they are afraid of themselves, which is partly a tradition which says that change is bad, that strangers are bad. I was bad for quite a long time. But that is the way people are. They don't really want to change. So change comes slowly. We just simply fight twice as hard, and nothing stops us.

There is vast dignity and vast honor in helping people. You cannot let go of it. I believe genuinely in the ability of government to do good, to serve, and to right injustices. This is why the Senate must be a place in which we embrace commitment to be deliberative, passionate, and unrelenting. But it must be a place in which we are driven only by the duty and trust bestowed upon us by the people who put us here. This is where everything else should be put aside—boxed out, as it were.

Yes, politics led us here. But this is where we shed the campaign—or should—and embrace our opportunities to lead, to listen, to dig in, to bridge differences, to govern, and to truly make a difference. At our core we must be drawn to the hard, all-consuming policy work that lives in briefings, hearing rooms, and roundtables back in our States. Yet our North Star must always be the real needs of the people we serve.

So policy to me starts with listening. It is seeing the faces of our constituents—not just thinking of a policy in terms of a policy, but a policy in terms of the people whom it would affect. You see your constituents, you hear them out, and you understand their needs and their problems. You get to know them very well, especially in a small State such as West Virginia. Listening to constituents and colleagues here alike is absolutely necessary. Good policy is born out of compromise. Compromise is not easy, but it can happen. If we truly listen to each other, it very well could.

We separate our campaign selves from our public service selves. The cruelty of perpetual campaigns destroys our ability to fulfill our oath of office. It is hard to build a working relationship in this institution without an honest and open approach with our colleagues—Republican or Democratic. But we must build that relationship because together we can do so much, and without it, we can do—as we have seen—nothing.

Listening and compromise were key to the work of the National Commission on Children in the 1990s. I was the chair of that Commission, which included a bipartisan group of government officials and appointed experts in various fields from all backgrounds. There were many of us—32—and we went all over the country for 2 years.

I can tell you that reaching consensus was tough, but we listened, we debated, and we came to trust. Even

the most liberal and conservative among us knew that each of us had the best interests of our party. That was not in dispute.

While meeting in Williamsburg, VA, which was where we had been meeting at the time, I had to leave suddenly for an important Senate vote on Iraq. I handed over the gavel to our most conservative Republican Member, someone in whom I had trust. That shocked people, but it helped on the consensus.

In the end we were proud to vote 32 to 0 in support of the legislation that we put forward and our policy statement as a whole, and it included both policies. It included the creation of a new Republican child tax credit for the first time and a major expansion of the earned-income tax credit, which has lifted millions of American families out of poverty.

It worked because we listened to one another, respected one another, and we wanted to come to an agreement. It was clear, it was obvious, and there it was—32 to 0. Unbelievable, but it happened.

Is that possible these days? My answer is yes, and I believe that we can see that spirit again as we address the future of the bipartisan Children's Health Insurance Program—CHIP, the way it is known. It currently provides health care to 8.3 million children and pregnant women nationwide, and 40,000 of those are in West Virginia. CHIP is so important to me because it offers health care which is tailored to children; to wit, it has both mental and dental health care tailored to children. It is, in fact, better coverage than the Affordable Care Act provides children.

From those early days at Vista, I have seen the devastating toll that lack of medical care can extract from a child's well-being and their health, their self-esteem—particularly their self-esteem—and even their will to succeed.

Many of you also know the names and faces of children who have gone without access to proper health care, and those are the ones we fight for. That is why CHIP has always been a bipartisan effort, driven by the needs of real kids and their families. Senators Grassley and Hatch were instrumental in its creation over a period of a couple years and long arguments, and they continue to be strong advocates.

The bipartisanship program has opened doors for millions who desperately needed to get into a doctor's office and had never been able to do so and now are able to do so.

But a warning—every door that CHIP opened will be closed unless we can agree to carry CHIP funding past mid-2015, and I don't know what the prospects for that are. All I know is that if they aren't done properly, those doors close; those kids had access to doctors, but they don't anymore. That is unconscionable to me. We have to look at the faces of those children in our own States and think about that. It is those individual faces that I remember.

Remembering for whom we work is paramount. When any corporate CEO comes to my office, I show them a prized birthday gift to my four children—our four children—my wife is here—a picture of a hardworking coal miner whose face is honest but hurting and very proud. That picture means so much to me because it embodies the spirit of those whom I am here to serve, and silently reminds us of why we must work towards a common ground—why this is not about Democrats and Republicans, but it is about the people whom we are here to serve, bringing different viewpoints to what that means.

Senator MIKE ENZI and I are not on the same side of every vote—to put it mildly—but we are very, very good friends—a friendship that was made years ago when I was serving on the President's HOPE mission and he was the mayor of Gillette, WY, going slightly crazy trying to build houses for all the people moving in there through coal. He also had sideburns. I say that oftentimes—off the record.

On a gray day in January 2006, West Virginia was frozen in disbelief when we learned that 12 trapped miners were killed in Sago Mine—a mine in the north central part of the State.

In the days that followed, as we struggled to make sense of what had happened, Senator ENZI and Senator ISAKSON joined Senator Kennedy, Senator MANCHIN, and myself in West Virginia. The first two did not real merely visit—they came to understand. They came to learn. They came to share in the grief and to offer their support to the community, and you could tell that in their faces.

Together, out of tragedy—and because they were members of the Health, Education, Labor, and Pensions Committee—we forged a compromise on mine safety legislation that brought about, frankly, the strongest safety improvements in a generation. It was huge for us. Only 16 States mine coal, but we are one of them.

To this day, Senator ISAKSON carries a picture of one of the Sago miners. It is not in the wallet that he is carrying today, but it is in the other wallet back in Atlanta. I don't care where it is, that picture is in his wallet every single day. We knew that, as public officials, compromising and really leading, men govern—which is why we were there.

Answering the needs of our country is our responsibility, and we do the best when we work shoulder to shoulder. It was working shoulder to shoulder when we set our country on a path to future innovation.

A few years ago, America's domination in our innovation—our inventions and creative problem-solving—was eroding, and we all knew it. We needed to act. We needed to reinvigorate our leadership in those areas and to keep our jobs and our future more secure.

We answered that call with a bipartisan compromise that delivered the

America COMPETES Reauthorization Act. I will never forget that. This legislation made historic investments in basic research, science, technology, engineering, and math education.

Senator Kay Bailey Hutchison, who preceded JOHN THUNE on the commerce committee, Senator ALEXANDER, and I sought unanimous consent to get the bill passed—because we thought we worked out the details pretty well—and do it prior to the recess. Therefore, we had to do it by unanimous consent. But there were five objections holding the bill still.

Instead of retreating to party corners and pointing fingers, we compromised right on that center aisle—right there next to Senator COLLINS. We wound it up and down, we added a little money and we took a little bit of money off. Mostly we took several billion dollars off. We removed a couple of programs that weren't absolutely necessary to satisfy Kay Bailey or LAMAR ALEXANDER. And we had ourselves a \$44 billion bill over 5 years on which we agreed. We didn't have to have a vote. Senator Hutchison and Senator ALEXANDER tenaciously worked to clear the holds. It was absolutely beautiful. It was just beautiful—a \$44 billion program to reinvigorate our Nation, cerebrally and productively. Together we passed a bill to revive our country's flagging global performance ranking and catapult us to success. Reaching moments like those requires persistence. It demands collaboration. It demands trust and compromise, and it is so worth it.

I am driven by the process of creating policy. I love doing that. It is grinding, it is intense, it can be frustrating and sometimes heartbreaking—often heartbreaking. But when we accomplish something that is meaningful to the people who have entrusted us to represent them, there is no greater reward.

We have to know who and what we must fight for in our work and in our own personal views. We have to know and understand those who will benefit and those who will lose. And we have to be ready for it to take a long time—much longer than we thought—sometimes 5 years, sometimes 10 years. That makes no difference. You keep at it. You don't let go of it, because if you keep at it, somewhere along some combination of Senators is going to say, yeah, that is OK. And then we get ourselves a bill.

Also we keep in our souls the faces of the people we try to help, the people in my case who were all too often left behind. The Senate must face serious social and policy issues from health care to cyber security, caring for veterans coming home, building up our infrastructure, making our economy work for everyone. These are our core responsibilities. I am proud that we have made some measure of progress. While we seem right now to be at an impasse, I know the Senate will rise to the position of addressing our issues and at

some point in some way it will happen. As a governing body, we must not allow recent failures to take root, to mean too much to us. We must not be focused on episodic “gotcha” issues rather than working to address broader, more systemic problem solving. No one else is going to step in to do this if we don't.

The truth was on full display a few weeks ago when the Senate failed to move forward on National Security Administration reforms necessary to uphold the mission of protecting our Nation. These are issues on which I have very strong views. I have taken very seriously my 14 years on the Intelligence Committee, as a member and as chairman, because the global threats we face increase daily as the world becomes more connected. We depend on the highly trained professionals at NSA to zero in on those threats. There are only 22 of them that make sort of final decisions. They are highly trained. They have taken the oath of office to protect our Nation.

Now I don't think we have any excuse to outsource our intelligence work to telecommunications firms. I work on the Commerce Committee. I have seen what the telecommunications companies do when they can get away with it—you know, everything from cramming to—just all kinds of not very nice things. It is the job of government to address this issue. The private sector and the free market alone cannot solve those kinds of problems and should not. That is a government responsibility being carried out with great success.

A lot of people say, oh, what if? But the fact is nobody has ever been able to show me somebody whose privacy has been influenced or broken into by the NSA. Good, hard-working people can be destroyed by circumstances beyond their control. It is our job to not let that happen. It is our job to help to give everyone a fair shot. It is much easier to say than to do, but that is our charge.

Too many children come into a world where circumstances preclude the opportunities they should have. We cannot discount the many challenges our society still faces. It is unconscionable in a country like ours that people go without health care or go hungry or have no place to call home.

When shareholders and the free market cannot or will not solve our problems, it is government's responsibility to step in every time. People can decry government all they want, but we are here for a reason. When private companies decide there isn't enough profit to provide Internet to rural areas, then we step in and we expand broadband, allowing the E-Rate to go farther and farther out. It now covers 97 percent of all schools in the country.

Maybe the private sector decides they cannot make enough by insuring the sickest of our children. We must act. That is our core mission. It is who we are as an institution. It is who we must always be.

We have worked to give children a fair shot through the E-Rate Program which introduces the most rural classrooms and the smallest libraries to the world through the Internet, access to a foreign language class or research, but it gives every child a key to unlock their potential. It doesn't mean they will, but it means they can.

We know health care is fundamental to a fair shot as well. We cannot learn or keep a job if we are sick. But providing that care has not always been as profitable as some companies would like. So we make sure millions of Americans could have the dignity of access to health care under the Affordable Care Act.

My friend Sam is one of the faces I will never forget. When he was battling childhood leukemia and hit his lifetime insurance cap—it is a technical term for a savage consequence—his parents' insurance companies walked away from this courageous little fighter. His parents, both schoolteachers, were left with heart-wrenching decisions such as getting divorced—which they considered—so Sam could qualify for Medicaid. Well, in the end it didn't matter; Sam lost his battle with cancer. But today under the Affordable Care Act we have made sure that no insurance companies can abandon someone like Sam when they need help the most. Health care reform will never take away the crushing agony of parents with sick kids. Heartbreaking situations like Sam's drove us to say no more, and we changed the law. Parents deserve to focus every bit of their energy fighting for their kids in every way, not fighting profit-obsessed insurance companies. So we did the right thing. We did the right thing.

Government also did the right thing when I fought for what I thought my life depended on, because it did, to pass the Coal Act of 1992, long forgotten. We had to step in and stop some coal companies from walking away from benefits which they had promised by contract to retired coal miners and their widows—folks who were mostly in their seventies and eighties. Passing the Coal Act was enormously important to our country. It not only prevented in absolute terms a national coal strike in 1993, but it delivered on the promise of lifetime health benefits earned by 200,000 retired coal miners and their widows. They would not have been taken care of if those companies had their way.

Nor can we rely on the private sector alone to take care of our veterans. It is government's duty to provide the health care they earned. We do this through community-based clinics and improved services for PTSD, traumatic brain injury, and family support. It is expensive. Senator ROB PORTMAN and I wanted to pass a bill which would cause the Department of Defense to give all people entering the military mental health screening—not when they came back from Iraq or Afghanistan or somewhere else, but before they

went in, and then on an annual basis do that again to build a database, to make sure we knew that we could take care of them better when they came home.

We rightly asked the government to take on some of society's most fundamental needs. What I found in Emmons was a community of genuinely strong and incredibly hard-working people who were essentially on their own trying to survive. The free market had not made sure that communities such as Emmons had good roads or any schools or any schoolbuses or any clean drinking water or safe jobs. But from my point of view they deserved all of those. They deserved to have their shot. Working together on the needs of places such as Emmons speaks to our core human connection and to an aspiration for the greater good.

That is what drove me into public service. It was not something I could help. I just had to do it, to help people with everything that I have. Every individual in every community such as Emmons deserves to have public officials who will fight the big fight and the personal ones, the casework.

Extending a hand on those personal challenges is incredibly meaningful work. Our constituents face these fights with Herculean courage but not always the resources to solve the problems in front of them. People like the 8-year-old who needed a bone marrow transplant, a procedure that in 1990 was considered experimental. Our office intervened. We helped that boy get that transplant and he still lives today. As a Senator, you take on those fights with the same vigor as any policy or ideological debate and you are equally proud when you win and you are equally hurt when you lose.

When I came to West Virginia 50 years ago, I was searching for a clear purpose for my life's work. I wanted the work to be really hard, and what I got was an opportunity to work really hard along with a real and utterly spiritual sense of mission. This work demands and deserves nothing less than everything that we have to give.

I will miss the Senate. Some days I don't want to leave, but it is time, which brings me to some profoundly important notes of gratitude.

To my colleagues, I say thank you.

I have mentioned some. I could mention so many. You are dedicated, you are brilliant, and you are public servants. I love you for putting up with what you have to, particularly the way elections are these days. I respect you for it so much. Thank you for fighting alongside me. Thank you for challenging me.

To my staff, a Senator is really nothing without his staff or her staff, and there is not a more committed, talented, and deeply passionate staff in the United States Senate. To my staff, you live and you breathe your work everyday. You inspire me with your endless capacity for redressing injustice and fighting for people who need you and come to you in need. You never

turned a single West Virginian away. I glory in my gratitude to you.

To my family, who has sacrificed so much, I thank you. I have been selfish in my devotion to my work, and I have been vastly inept in balancing family and work. Public service is not encouraging of balance.

Sharon, you are everything—an extraordinary mother, a remarkable businesswoman, and you are a public servant. You have been a visionary in public broadcasting. Our entire Nation is indebted to your efforts to educate and inform us. The impact you continue to make on public life is truly remarkable. Any achievement I am proud of I share with you eternally.

(Applause, Senators rising)

Our children—John, Valerie, Charles, and Justin—have all been very thoughtful and endlessly supportive in my absences. Our grandchildren bring me so much joy, and I really hope to see a lot more of them.

To West Virginia, thank you for placing your faith in me—I know it was hard at first—and giving me the greatest reward: the chance to fight for meaningful and lasting opportunity for those who were too often forgotten but absolutely deserve the best.

My fellow West Virginians, I am forever inspired by you, and I am forever transformed by you.

I thank the Presiding Officer, and I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. There will be many remarks at the end of the year from Senators regarding JAY ROCKEFELLER, but at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

#### "ZERO DARK THIRTY" IG REPORTS

Mr. GRASSLEY. Mr. President, I come to the floor today to talk about "Zero Dark Thirty"—not the movie but a report on the movie. The report was supposed to tell us how the movie's producers obtained top-secret information from the Federal Government, but the report never took us there.

The Department of Defense inspector general stumbled and fell and lost sight of the goal and the need for independence. People were exposed to harm, the taxpayers' money got wasted, and alleged misconduct by top officials was shielded by a policy that may have been abused. Bureaucratic bungling caused confusion, turmoil, and dissent. For certain, the whole thing was a fiasco.

The "Zero Dark Thirty" report was driven by the hemorrhage of leaks of highly classified information by senior

administration officials after the Osama bin Laden raid. It was requested by the chairman of the House oversight committee, Congressman PETER KING—a very good Congressman, very good on oversight.

He read a column in the New York Times which indicated that Hollywood filmmakers "received top-level access to the most classified mission in history." Congressman KING was concerned that those disclosures could undermine our ability to successfully conduct covert operations in the future, so in August 2011 Congressman KING asked the inspectors general of the Central Intelligence Agency and the Department of Defense to answer five simple questions. My focus during these remarks will be on the Department of Defense IG's investigation.

I became involved, as you might expect, after whistleblowers contacted my office in December 2012 alleging that Acting and Deputy Inspector General Lynne Halbrooks was sitting on Congressman KING's report. They alleged that she—Ms. Halbrooks—was suppressing the report to, No. 1, protect her boss, Secretary of Defense Panetta, and other senior officials from disciplinary action or prosecution, and No. 2, to further her candidacy to be the next inspector general.

Her nomination was vetted while the investigation was in progress. The convergence of those potential conflicts of interest grabbed my attention. They needed scrutiny. The independence of the Office of Inspector General could have been jeopardized. So my staff started digging. They interviewed key witnesses and examined documents provided by whistleblowers and official sources. Here is what we have found:

On December 16, 2011, the Department of Defense Office of Inspector General announced that its investigation would begin immediately and that it was to be coordinated with the CIA inspector general. It would be conducted by the Office of Intelligence and Special Program Assessments headed by a Mr. James Ives. That investigation took a year.

A draft report was submitted for classification review on October 24, 2012. The allegations were substantiated. No. 1, senior officials, including Defense Secretary Leon Panetta, his chief of staff Jeremy Bash, and Under Secretary of Intelligence Michael Vickers, allegedly made unauthorized disclosures of highly classified information on that raid. No. 2, these alleged disclosures may have placed special operations personnel and their families in harm's way.

One month later the draft report containing those allegations was declared unclassified. A coordination package was then developed. It included a publicly releasable version, talking points for reporters, and transmittal memos to the Defense Secretary and Chairman KING.

This package was circulated internally for review and clearance. The

next and final step was submission to Deputy IG Halbrooks as a request for release. Now, by normal standards, the report was ready for issue. However, there was a major foul-up—a real show stopper. The review process was bungled from start to finish.

All references to unauthorized disclosures of highly classified information by senior officials had to be stripped from the report before it could be published. This draconian measure, which gutted the report and made it unfit for publication, was mandated by a long-standing department policy. This long-standing department policy was known only to the two leaders of the investigation, Deputies Halbrooks and Ives. It was their responsibility to execute it at the front end of the review.

I want to make one point crystal clear. I don't support the policy of censoring reports. It is a bad policy that needs to be changed. My beef, though, is if that is the policy, then it should have been followed, but it wasn't followed until the last possible moment.

To make matters far worse, both Ives and Halbrooks failed to communicate the policy mandate to those who needed the information to ready the report for publication. Halbrooks and Ives kept the investigative team in the dark—like a bunch of mushrooms. So they had the mistaken notion the uncensored report was final and ready to go. This caused a great deal of turmoil.

Two factors set the stage for the bungled review process. First, the official assigned to lead the project, Mr. Ives, lacked relevant professional experience, and top management failed to actively supervise his day-to-day progress on the report to ensure that he followed established protocols. He needed guidance navigating his way through an unfamiliar process but received no guidance. Plus, his appointment was limited to 4 months on a project that took 2 years.

This was a recipe for disaster.

Second, the problem was compounded by a failure to coordinate with the CIA inspector general before the investigation got rolling. Effective coordination was essential. Congressman KING's request crossed jurisdictional lines between two powerful agencies, the CIA and the Department of Defense.

The CIA's inspector general was ultimately responsible for the alleged misconduct because it occurred while Panetta and his Chief of Staff, Jeremy Bash, were CIA employees. The fact that they had moved to the Pentagon after the investigation started was irrelevant.

This was a no-brainer, but for inexplicable reasons the Department of Defense IG tackled the Panetta-Bash allegations. This was an irresponsible and wasteful action. It took over a year of groping down blind alleys for the reality to finally sink in. By then it was way too late.

The failure of the two agencies to coordinate effectively right up front had disastrous consequence. Just as the re-

port was reaching critical mass in late 2012, the Panetta case had to be referred back to the CIA IG for investigation. Panetta's alleged misconduct was the heart and soul of the report.

It was suddenly gone, leaving the report hollow and empty. How could all this senseless blundering happen unless it was part of a plan to slow-roll or even torpedo the report. The blundering was coupled with unexplained delays.

Between mid-December and early January, Deputy Ives finally completed the mandated substantial review, which gutted the report. However, it did not regain forward motion until after Secretary Panetta retired February 27, 2013.

Halbrooks claims she did not receive or see a draft until March 25, 2013. Aside from a few minor edits, there is no record of significant edits between Mr. Ives' review and publication of the report. The 3-month delay in reaching her desk and subsequent delays until June remain unexplained and unaccounted for.

These facts create the perception that the review process was slowed by Halbrooks and others at her direction to shield Department of Defense officials from scrutiny. She claims her nomination was dead at that point and no longer a potential conflict, but she offers no evidence to back it up.

Moreover, this timeline fits with other relevant information. According to a whistleblower, she stated repeatedly that the report would not be issued until Panetta stepped down—and that is exactly what happened.

Finally, the bungled review process may have triggered whistleblowing. Whistleblowers thought the report was about to be issued in late 2012 when media talking points were circulated. When that didn't happen, they perceived a coverup. They contacted my office and then they leaked the report to the Project on Government Oversight, which is normally referred to around this town as POGO.

The uncensored version of the report appeared on POGO's Web site on June 4, 2013. Ten days later, the IG's office reacted by finally issuing a censored version of the report. If POGO had not acted, the report might never have seen the light of day. It might have been pigeonholed for good.

Immediately after the initial report was issued, Halbrooks launched a hunt for the mole. She wanted to know who leaked the reports to POGO. Extensive interviews were conducted and 33,269 emails were examined, but the leaker was not found.

However, during questioning, Mr. Dan Meyer, the DOD OIG Director of Whistleblowing and Transparency, admitted to giving a copy of the report to Congress. He was one of the many OIG employees who mistakenly believed the uncensored version of the report circulated in late 2012 for final review and clearance was, indeed, final.

He thought it was ready to go out the door. As the Director of Whistle-

blowing and Transparency, maybe he just thought he was doing his job and being—as every government official ought to be—very transparent because the public's business ought to be public. Around this town, however, that is not always the case.

Mr. Meyer's admission triggered swift and decisive action. He was accused of making false statements, placing his security clearance in jeopardy. This action had the potential of destroying his career. Now, fortunately—and this doesn't happen very often around this town—the new inspector general at the Department of Defense, Jon Rymer, intervened in Mr. Meyer's behalf and blocked those efforts.

The case against Mr. Meyer was very flimsy, though his clearance is still hanging fire. In the end, Mr. Meyer bore the brunt of blame for the POGO leak. The principal targets of the investigation—Panetta, Vickers, and Bash—skated. Mr. Meyer exposed their alleged misconduct, and yet he got hammered. Justice was turned upside down.

What happened during the 22 months between Chairman KING's request and June 2013, when the report was finally issued, is a tangled bureaucratic mess. Despite exhaustive questioning, a satisfactory explanation hasn't been given. What I have presented today is just a brief summary of the facts and analysis laid out in greater detail in a staff report that I released today.

In that report my staff identified potential red flags pertaining to the way the Office of the Inspector General handled the "Zero Dark Thirty" report. These were boiled down to nine conclusions that fell into four broad categories: No. 1, impairment of IG independence and lack of commitment to the spirit and intent of the IG act; No. 2, weak leadership; No. 3, mismanagement; and No. 4, waste of time and taxpayers' money.

The staff findings suggest that some corrective action may be justified, including an appropriate measure of accountability. If misconduct and/or mismanagement occurred, then Deputies Lynne Halbrooks and James Ives, both of whom led the "Zero Dark Thirty" project, would appear to be chiefly responsible for whatever happened.

It is also recommended that the long-standing department policy—which earlier I told you I disagreed with—of censoring sensitive information from reports not be applied to cases involving alleged misconduct by top officials because agency heads and their senior deputies should be held to a higher standard. They should be subjected to greater public scrutiny. This policy needs review and possible modification.

When all is said and done, the proof is, of course, in the pudding, as they say. What good came from this effort? Its true value is reflected in the end product, the highly sanitized report that was finally issued June 14, 2013, 6 months after it was finished. I believe that it is a second-class piece of work

that is not worth the paper that it is written on.

Even Halbrooks seems to agree that the report's face value is close to zero. This is what she said during an interview with my staff. She said that once Ives removed all the derogatory information on Panetta and Vickers, the report was no longer interesting or important to me—meaning her—and it just dropped off my radar screen—and words to that effect. She was talking about the report issued June 14, 2013.

Halbrooks is correct about the value of the report, but she is dead wrong about her responsibility as IG for the unfinished report. At that point, she appears to have lost sight of her core mission as the inspector general.

The report was about alleged misconduct by her boss, the Secretary of Defense. It was requested by the chairman of the House oversight committee, Mr. KING.

She had a solemn duty to put it back on her radar screen and keep it there—front and center—until it was fixed. Once it was ready and up to standard, she should have presented it proudly and enthusiastically to the Congress and the Secretary of Defense—and done it properly and in restricted format, if necessary.

This project was an unmitigated disaster spawned by a series of top-level missteps and blunders. All the wasted energy and blundering produced nothing better than internal confusion, turmoil, dissent, and more alleged misconduct.

Two years's worth of hard work and money was more or less poured down a rat hole. To make matters far worse, a valued employee was threatened with termination. This person has unique and unparalleled knowledge of whistleblowing and a rock-solid commitment to fair treatment of whistleblowers.

Were it not for Inspector General Rymer, he would be out on the street this very day. Halbrooks' search for the mole was misguided.

The inspector general's office needs strong leadership that has the courage to tell it like it is and to report wrongdoing promptly to agency heads and even Congress with recommendations for corrective action. When the Secretary and the Under Secretary stand accused of misconduct, as in this case, the IG should double down and ensure public accountability. Thus far in this matter there has been none because truth was hidden behind a questionable policy that may have been abused.

There is an excellent case in point from just a few years back. Deputy Secretary of Defense and CIA Director John Deutsch allegedly mishandled highly classified information and got hammered for doing so. He lost his security clearance for 6 years and came very close to prosecution. Unlike this case—the “Zero Dark Thirty” leaks—the John Deutsch matter was dealt with effectively and it was aired publicly.

The “Zero Dark Thirty” model was wasteful of the taxpayers' money, it

was harmful to morale, and harmful to the perceived independence of the IG's office. It should be used as an educational tool to teach Office of Inspector General employees in any department of government how not to conduct investigations of alleged misconduct by senior officials.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### THE EXTENDERS BILL

Mr. ROBERTS. Mr. President, I would like to amplify the remarks made recently by my colleague from Utah Senator HATCH, our distinguished ranking member of the Senate Finance Committee, concerning the year-end tax legislation—what is called the tax extenders bill.

Senator HATCH was entirely correct, it seems to me, when he said that getting this legislation through the Senate had been an ordeal, an unnecessary ordeal not only for the Senate but more particularly for every person in business back home in my State of Kansas and also throughout the country—Utah, Kansas, wherever in the United States. I am talking about farmers, ranchers, small business owners, manufacturers and all of their employees; in other words, the backbone of our economy.

It is a real shame that the longer term extenders deal developed by the chairmen of the tax committees and the leaders in the House and Senate—yes, you heard me right, both chairmen in the House and Senate and both leaders—have agreed that basically this deal that was reached before the Thanksgiving holiday has collapsed.

The deal included a number of very critical items, including a permanent simplification of the research credit that would help businesses plan and invest in job-creating innovation. The package also included a number of provisions for which I had worked very hard, including special depreciation and expensing rules that are very important to agriculture and small business.

The plan also included bipartisan legislation I developed with Senator SCHUMER to modify the research and development tax credit so it could be more easily used by smaller businesses, where the bulk of technological innovation occurs.

The plan also included long-term extension of legislation I have pushed to make sure smaller businesses are able to access the capital they need to grow and hire new employees.

These provisions are not giveaways. They free up capital and cash that can be invested and recycled into economic growth. That is a good thing. We should have done that. These provisions do not fit within the class warfare debate—actually, it is not a debate but rather a diversionary tactic that actually took place, that shouldn't have even been mentioned. A veto should never have even been forthcoming from the White House.

I have heard the complaint the proposal was too business focused. Since business today is mired in a swamp of regulation and guessing games and unpredictability, the focus of a so-called tax-extendors bill should have darn well been focused on business. Not every person in America works for our growing government.

The deal would have also helped individual taxpayers, from teachers taking a deduction for school supplies they purchase with their own money to help for homeowners who have defaulted on a mortgage or faced financial hardship, to deductions for college tuition and expenses. These provisions would keep more money in the pocket of taxpayers, a better place for it.

The package represented months of good-faith work by the tax committees and leadership in both Houses of Congress, something unique that we have not experienced around here for quite a while. Obviously, the deal wasn't perfect by any stretch, but it would have been a great downpayment for true tax reform. Most of all, it would have brought certainty and clarity to tax policy, something we sorely need and which is long overdue.

Let me give an example of what I mean. Earlier this week I visited with farmers in Kansas at the annual Kansas Farm Bureau meeting—about 1,000 farmers attended. One farmer, who shared his views so pretty much everybody around him could hear, told me he had recently purchased new farm equipment—combines and tractors so his family could step up work on their land, expand their operation, and he was upset. Actually, he was not upset, he was mad because, according to him, “we've been messing around in Washington too much with the extenders bill.” He was mad because if the equipment expensing rules aren't extended, he is out many thousands of dollars. That is just a portion of what has been spent. But that is money he would have used to buy more equipment or more land—the productive use of capital—and not some trivial amount used for a vacation or something else.

It is not just this farmer. My phone has been ringing off the hook all month with calls from farmers, ranchers, equipment dealers, and other businesses that need to know whether this will get extended, and they, too, are upset—make that mad. They are frustrated, and they need us to get to work to help them run their businesses and their lives.

Yes, even with the recent blowup, we will extend these tax provisions but only for 1 year—a month—and then we will be back at it again next year, and these folks will be in the same position, the same kind of purgatory, wondering whether we will ever come to our senses, wondering whether to buy that new tractor or buy the new production line or to hire new employees.

Every day when I visit with business owners and taxpayers in Kansas I hear over and over one simple refrain: Senator, we need certainty in the Tax



Code. We need to be able to rely on a stable tax system so we can plan and grow our business. Senator Pat, the Congress needs to do something about these tax extenders.

I couldn't agree more, and I think most of us, if not all of us on the Senate Finance Committee, couldn't agree more. The lack of certainty about these tax provisions is bad for American families. It is bad for business looking to create jobs, and it is bad for our economy. It leaves businesses unable to plan ahead and invest because they are left in the dark about what tax provisions will affect their operations.

So what happened to the deal? Why are we at this point debating another kick of the can down the road? The imperial Presidency has happened. The President has decided that instituting an Executive amnesty was the best course of action before the end of the year.

President Obama's immigration grenade doomed the tax extenders deal. Real negotiations unraveled, a veto threat was issued, and the bipartisan compromises were killed. Because of President Obama's my-way-or-the-highway approach to leadership and to amnesty, Congress is now forced to once again cobble together a 1-year tax policy patch that basically nobody wants. This hurts families, job creators, farmers, ranchers, teachers—everyone who needs to plan ahead to succeed.

So instead of working with Congress to develop an immigration reform compromise, we have the most arrogant attack on the Constitution I have ever seen. Once again the President placed partisan politics above the needs of the middle class—our workers and business owners, our students, our teachers, and indeed our entire economy.

Without this unprecedented illegal Executive order, we would right now be discussing a long-term extension of these vital tax provisions. We could maybe even have voted on it as of this year—as of this week—laying a strong base for comprehensive tax reform. Instead, the President has sacrificed job-producing tax policy for the expedience of Executive action.

As I have said elsewhere, the President has seemingly no interest in a constructive working relationship with Congress. He didn't have any intention of listening to the will of the American people, and he has no respect for the constitutional boundaries of his office. This is beyond troubling, but its spill-over into other areas, such as tax policy, does not bode well for the bipartisan development of policy to build the economy we so desperately need and that we were so close to achieving.

But let us be hopeful. Maybe something good will come out of this whole situation. Maybe we will recognize the level of dysfunction illustrated by the Executive order, and I hope it will point us back to regular order. It is critically important that we return to

regular order in the Senate, in particular with all of the major fiscal issues we face.

Bringing the extenders package to the Finance Committee was a strong sign that we mean business and that we are ready to move on a bipartisan basis to address the fiscal issues that are facing the country. Sadly, that effort was sabotaged. Without that action, we would be moving toward a more sensible, bipartisan, progrowth extenders bill and perhaps well on our way to tax reform. That we are not is a shame. It didn't have to be this way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TRIBUTE TO FARGO MAYOR DENNIS WALAKER

Ms. HEITKAMP. Mr. President, I have a couple of things I wish to do before I assume the Chair, and I want to express my great gratitude to my friend from Massachusetts for his willingness to sit tight for a little bit.

I was sitting here thinking about the two men I want to talk about, and I was thinking about how similar they are; how different their backgrounds are but how similar their goals in life and their interests in the people they serve. It is the great irony of our democracy that regardless of where you come from, if you come to serve the public, you come to love the public, and you come to believe in the work you do and believe that every person has to be given an opportunity.

So I first want to offer my great condolences to the family of Mayor Denny Walaker from our great city of Fargo, ND. It is truly with a heavy heart I come to the floor to pay tribute to the mayor of Fargo.

Dennis Walaker—to those of us who knew him well, Denny—passed away Tuesday after a very short but aggressive fight in his battle against cancer. His passing I think shocked most of us and certainly saddened all of us.

Mayor Walaker was a giant in Fargo, not only in stature—he was a big guy—but as a leader and fighter for the city he loved. He dedicated his entire life to public service, first serving in the North Dakota Department of Transportation, later joining the city of Fargo as a civil engineer.

For 40 years, Denny has been a fixture in this growing city, from leading the city's flood fight in 1997 as chief operations manager for the city and later as mayor. One cannot think of Fargo without thinking of Mayor Walaker and seeing in every corner the impact he made, whether it was infrastructure investment improvements to providing a strong foundation for a thriving community and city, to the revitalization of the city's downtown, to his focus on those within the city who are less fortunate.

He led the city through unprecedented growth while always working diligently to make sure the region secured the long-term flood protection that was necessary to sustain that growth. He was always willing to listen

and cared deeply for all the people of the city of Fargo. The people of Fargo always came first for him, no matter what.

For many of us, Denny will always be remembered for leading the city's flood-fighting effort, particularly in 1997 and 2009 when the city of Fargo confronted a historic flood. He had keen instincts when it came to understanding and predicting the Red River and wasn't afraid to push back on the so-called experts. His calm, clear, and decisive decisionmaking in 2009 when he made the decision that the city would not evacuate when facing record-setting flood levels but would instead stay and fight together—that image of him building our city and building our community will forever be etched in the memories and the minds of those of us who knew Denny.

However, for all of the discussion about the flood fight, there is so much more Denny did in addition to his role as chief flood-fighter, but much of it was under the radar. It was away from the spotlight.

Just a few weeks ago I was with the mayor in one of his last public appearances. It was an event where we were honored for the work we had both done on affordable housing. At that event he remarked to me and the others who were there how proud he was to receive that award and how proud he was about the work he had done on affordable housing because, he told all of us, he wanted to make sure that Fargo was a city for every citizen, that every citizen in Fargo had an opportunity for a good home. He was passionate in fighting for those less fortunate, and his heart and his personality really were unmatched.

People like Mayor Walaker are the unsung heroes of our democracy. He stepped up to serve when his city needed him, and he was a friend and hero to so many.

A few weeks ago I was in Fargo for the College Game Day. Denny couldn't make it because he was recuperating from surgery at his home. I had a chance to talk to him on the phone, and I was explaining the scene for him in downtown Fargo—the part of Fargo he had revitalized and nurtured back to an incredible, healthy center of activity for that great city. I was telling him how proud he would be to see not only the citizens there enjoying themselves but also the work that had been done by the city workforce and the fact that Fargo was able to move that game day effort on such short notice. I think it really is indicative of the history of Fargo, and that history was part of the history Denny built.

He will always have a place in my heart. He will always have a place in the hearts of so many in Fargo and the surrounding areas and throughout the State of North Dakota.

I love Denny. I am pretty sure he was the only public official in North Dakota who had a picture of Barack Obama on his wall. He had met the

President. He believed in a lot of what the President had said—obviously not on everything, but he believed in public service, and he believed in the challenges and respecting people who stepped up.

We mourn Denny's loss, but we celebrate his life as an incredible example of a leader. He was one of a kind. I offer my sincerest condolences to his wife Mary, his daughters, grandchildren, and his entire family. I also extend my sincerest condolences on the loss of a great mayor, a great public servant, and a great friend to a great city, the city of Fargo.

#### TRIBUTE TO JAY ROCKEFELLER

Mr. President, I have only known JAY for a couple of years. When I first started, I would go home to North Dakota and people would ask me kind of consistently: So whom do you meet? To whom do you listen? What has been a big surprise? Who are your favorite people?

This may come as a surprise because I didn't come with the idea that I would have an opportunity to work with or spend time with Senator ROCKEFELLER, but I said: The one person who impressed me the most when I first got here was Senator JAY ROCKEFELLER.

For so many of us, he is a giant—not only physically.

They would say: What about him?

One of my finest moments was watching Senator ROCKEFELLER stand and visit with BARBARA MIKULSKI. I am pretty sure she might be the shortest person in the Senate, and I am pretty sure JAY might be the tallest.

I would say: What you don't know about Senator ROCKEFELLER is that not only in intellectual stature but in physical stature he is a giant of a man.

But it is not the intellectual stature of Senator ROCKEFELLER that impressed me. It certainly wasn't his size that impressed me. It was the size of his heart and how much he cared for the people he served in West Virginia.

I had a chance this year to travel to West Virginia and spend time with the folks of his great State. As they were looking at this transition, they would tell me stories about Senator ROCKEFELLER. They would tell me stories about what he meant to them and the things he had gone out of his way to do—things that were beyond maybe even what the expectations of a populous would ever be, but JAY was there for them, and they knew that every day when he woke up, in his heart were the people of West Virginia. I think we heard that today with his floor speech, as he talked about the impact of coming to West Virginia as a young VISTA worker, the impact it had on him that changed his life and created the man we see today.

So I celebrate a Senator with an enormous intellect and an enormous capacity for facts and data and public policy, but that wasn't what made him a great Senator. What made JAY ROCKEFELLER a great Senator was his

enormous heart for the people he served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### ENHANCED TAX INCENTIVE FOR CONSERVATION EASEMENT DONATIONS

Mrs. SHAHEEN. Mr. President, I begin by echoing the wonderful analysis of my colleague Senator HEITKAMP relative to how much we are all going to miss Senator JAY ROCKEFELLER. As she pointed out, he reminded us today why we all are here, and that is to try to make a difference for our constituents and for the people we serve. No one did that better than JAY ROCKEFELLER. He was always a voice for those most in need and never stopped fighting for the people he served. We will certainly miss him.

I come to the floor this afternoon to talk about a provision that I think we need to make sure is included as we continue to negotiate and debate the tax extenders package, a common-sense, bipartisan, bicameral provision that enjoys a lot of support and one that I think should be included in any reform or extension effort; that is, the enhanced tax incentive for conservation easement donations.

Conservation easements are a critical component of modern-day efforts to preserve our outdoor treasures. That is something which means a lot to us in New Hampshire, where we have so many wonderful natural resources and historic resources, and we want to try to preserve them.

One of the things that conservation easements do is provide a flexible, voluntary, nongovernmental, and non-regulatory approach to protecting our Nation's natural places. Conservation easements and tax incentives for their donations allow landowners to exchange development rights in order to protect a property's conservation values. That then allows them to pass on those conservation values to future generations. Easements keep the land in its natural state and ensure that these outdoor treasures aren't subdivided and exploited. Just as important, lands placed in conservation easements can continue to be farmed, grazed, hunted, or used for outdoor recreation and wildlife conservation. Equally important, they remain on the tax rolls, which makes a huge difference to local communities.

In 2006 Congress recognized the importance of promoting conservation easements by enacting the enhanced tax incentive for conservation easement donations. That was done with bipartisan, bicameral support because it is an idea that makes sense.

This tax incentive provided working and middle-class landowners with the ability to donate their land for conservation as opposed to simply selling off the land to the highest bidder, allowing it to be developed and partitioned off. The great thing about this incentive is that it worked. It is directly responsible for the conservation

of more than 2 million acres of our Nation's natural outdoor heritage.

Unfortunately, as with so many provisions in the tax extenders bill, this tax incentive lapsed at the end of 2013. As a result, landowners who want to donate their land for conservation but need this enhanced deduction to make it work financially are left in limbo.

Making this incentive permanent will provide much needed certainty to landowners because the decision of whether to donate conservation easements on land—and land is often a family's most valuable asset—requires careful planning and consideration, and it often takes years from the initial conversations with the landowner before conservation easement is executed. Understandably, many landowners will never begin this process without the assurance of a permanent incentive.

In New Hampshire we have seen firsthand how valuable the enhanced conservation easement tax credit is when it comes to making sure we are protecting our special outdoor places for generations to come. For example, take Henry Brooks, Jr., and his sister Linda Brown. They donated two conservation easements on about 200 acres of land in Sullivan, NH, which is down in the western part of our State in what we call the Monadnock Region, not too far from the Vermont border. The land had been in their family since the time of the town's founding—over 200 years. It is open fields with expansive views all the way to Vermont. The fields are pasture and hay lands that are used for Henry's beef cattle. The forests, streams, and wetlands also provide excellent wildlife habitat.

The enhanced conservation easement tax incentive was very persuasive in the decision to move forward and finish the project by the end of 2013. In particular, the ability to take that deduction over the course of 16 years is going to make a significant difference for Henry, who is really of modest means. As his sister Linda said, the enhanced incentive is a win-win situation.

Another example that I think is significant is the Squam Lakes watershed. The Squam watershed is renowned for its conservation ethos, and it is the only watershed that is listed on the National Register of Historic Places. Organizations, such as the Squam Lake Conservation Society, have used conservation easements to protect 25 percent of the watershed, and, thanks to tax deductions, 91 percent of these easements were donated. Think about that—25 percent of the watershed and 91 percent of it has been donated.

Projects like these in New Hampshire are great examples of the need to renew the enhanced conservation easement deduction. Protecting these spaces isn't just good for the environment. Certainly that is the case, but it is also critical to New Hampshire's economy, and I know that is true in other States as well. Our economy depends on tourism, on outdoor



recreation. We have thousands of jobs that are created in those industries that bring millions of dollars into our State, and if we can preserve our landscape and protect our national resources, it makes a huge difference in ensuring that those industries are successful, that tourists want to continue to come and visit.

Right now we have families who are making decisions about what they are going to do about conservation easements, and they are in limbo because Congress has not yet acted on this issue. We haven't determined if we are going to pass that forward. So people don't know whether they are going to have any certainty about taking a tax deduction on a conservation easement. It is time for us to provide some certainty to encourage people to make those contributions to protect these national treasures. It is important not only in New Hampshire, I am sure it is important in North Dakota and across this country.

I urge my colleagues, as we are continuing to look at a tax extenders bill, that we support this legislation that will make smart incentives to help our local economies grow stronger and help the middle class.

Thank you very much. I hope we can make some progress on this next week. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

#### TRIBUTE TO SUMMER MERSINGER

Mr. THUNE. Madam President, I rise to recognize the end of an era in my office in Washington, DC, because at the end of the year, Summer Mersinger will be leaving my office. She has been in my office for 15 years. She comes from a small town in Central South Dakota called Onida. The town is about an hour and a half away from where I grew up. Our towns are similar in size with similar backgrounds when it comes to the area in which we were raised and growing up in Onida, SD. Obviously she had a lot of the same experiences I did growing up in a small town. She took those experiences and has used them now for the past 15 years in my office.

Before she got to my office she went to the University of Minnesota and got her degree there in 1999, came to Washington, DC, worked as an intern, and then shortly after that became a full-time employee in my House office at the time. For the past 15 years, through thick and thin, through the ups and downs, the good days and the bad days, Summer has been the rock in our office. She has been the glue that holds things together. I have described her as the center of gravity. I have described her as a mama bear, lots of dif-

ferent things, but people in our office know she is the go-to person. If you want to get something done in our office, you go through Summer.

So when it comes time for her to move on to a different opportunity, obviously, it is a time that we want to recognize and pay tribute to her great service in our office. Usually around here—I think most people know this—it is the Members themselves, the Senators whose names are in the press releases, whose names get to be on the door, but it is the staff who really gets things done in the Senate, and I have been very blessed and fortunate to have people such as Summer Mersinger work in our office. I think of all the people who work in the Senate and the hard jobs they have trying to balance the hours we have to put in, the sacrifices that come with that, the time away from family, always being on call on weekends, always having to put out fires, whatever that might be—well, that is the role Summer has served in our office for a very long time.

Not only is she very skilled at what she does, but she brings so many other attributes to the job. Summer is somebody who has a powerful work ethic. She is somebody who has over the years expressed a calming demeanor in our office, as somebody who always is able to deal with people, all personalities, and somebody who most importantly has absolute integrity. Her wise counsel is something from which I have benefitted enormously over the years. One of the great attributes is she is intensely loyal when I don't deserve it. She has been somebody who has been an ally and I couldn't have a better ally than she.

So as she departs to do something else and moves on with her life, we want to wish her well. I had the opportunity to see a lot of transition and a lot of change in her life over the years from the time she started working for me, particularly when we got to the Senate. She not only worked full time but earned a law degree at the same time. She met a great guy here in Washington, got married, and has four children. At the same time she continued to work full time and handle all the difficult responsibilities that come with working and leading and running a Senate office. There aren't many people who could pull that off, and she has tirelessly dedicated herself to public service, to serving the people of South Dakota, to serving the Senate and serving in our office. There will be a very big void indeed when she leaves.

We are grateful for that outstanding service and the time we had to work with her. I thank her for her outstanding work for the people of South Dakota and for the Senate and for our office, but more importantly for her friendship and her always wise counsel.

We will miss her, but we know that whatever she does, she will be out there making a difference because that is the kind of person she is. So we say farewell to her at the end of the year

and wish her and her family well and look forward to seeing her around the neighborhood and maybe even someday back in the small town of Onida, SD.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### SECRETARY OF DEFENSE NOMINEE

Mr. COATS. Madam President, it is widely anticipated that the President intends to nominate Dr. Ashton Carter to be the next Secretary of Defense, perhaps as early as tomorrow, and I welcome that nomination. Should Dr. Carter take over the helm at the Defense Department, it would coincide with an ominous development on a national security issue that he and I have dealt with together in the past, and that issue is the growing danger that Iran will soon be able to develop nuclear weapons and the inability of prolonged negotiations with Iran to prevent them from doing so.

In 2008 Ash Carter and I participated in coauthoring a report by the Bipartisan Policy Center entitled "Meeting the Challenge: U.S. Policy Toward Iranian Nuclear Development." In that report we acknowledged that Iran's nuclear program would pose "the most significant strategic threat to the United States during the next administration." That group, which was cochaired by former Senator Chuck Robb and myself, included many with long and well-respected credentials on foreign policy matters.

That report also emphasized what was at stake and what the consequences would be if Iran was allowed to achieve nuclear weapons capability. I want to quote from what we said and concluded.

A nuclear-ready or nuclear-armed Islamic Republic ruled by the clerical regime could threaten the Persian Gulf region and its vast energy resources, spark nuclear proliferation throughout the Middle East, inject additional volatility into global energy markets, embolden extremists in the region and destabilize states such as Saudi Arabia and others in the region, provide nuclear technology to other radical regimes and terrorists . . . and seek to make good on its threats to eradicate Israel.

That is why this threat has been labeled by most in the intelligence community, if not all, as the most significant long-term threat to the United States. This was written in 2008. Now, 6 years later into this current administration, we can see the truth of those judgments. Unfortunately, what we have also seen is that this administration has not dealt effectively with this growing threat.

In our Bipartisan Policy Center report Ash Carter and I called for direct negotiations with Iran, but on the condition that these negotiations were backed by strong economic sanctions and the threat of military force as a last resort if all other efforts failed to achieve the stated goal of preventing Iran from attaining the capability of producing nuclear weapons. We did not come to this conclusion easily. We debated it for months. We debated each

phase of the potential negotiation with Iran through diplomacy, through the imposition of sanctions, through the potential threat of military force, and ultimately the need to use military force if we could not achieve the desired objective. We obviously made that the last resort, and only if all other efforts failed. As I said, it was written in 2008.

Most relevant at this moment was our insistence—and I quote from the report again—“that any U.S.-Iranian talks will not be open-ended, but will be limited to a predetermined time period so that Tehran does not try to ‘run out the clock.’”

Our deepest concern with the failure to move forward with an ever-ratcheting and tightening combination of diplomacy, sanctions, and threat of force was that Iran would run out the clock, and in the meantime, continue to spin the centrifuges and add to those methods which were producing the ability for them to obtain nuclear weapons capability.

Now, more than 6 years later, after prolonged negotiations and yet another extension of talks without achieving the stated goal of ending the regime's quest, it is time to reassess where we currently stand.

President Obama is not only ignoring the clear and present danger of Iranian ambitions, he is abetting those ambitions by surrendering key positions first and then pursuing negotiations that confirm our weakness. For 8 years U.S. policy, backed by six United Nations Security Council resolutions, insisted that Iran abandon its program to enrich uranium because of the mortal danger that it would arm itself with nuclear weapons. That policy was discarded virtually at the start of the negotiations with Iran—a year and a half or so ago—indeed, before the negotiations began.

Although the subjects of uranium enrichment, weapons programs, inspections, and nuclear power are highly complex and the discussions have been lengthy, they all lead now to a very simple question: How much ability will Iran have to enrich uranium and how many centrifuges will it be permitted to operate in reaching its goal?

When the U.N. Security Council passed its first resolution demanding that Iran cease enriching uranium, Iran had 800 centrifuges doing that illegal work. Today, after 2 years of direct negotiations on this specific issue, Iran has 19,000 centrifuges. I will repeat that: After 2 years of direct negotiations, Iran has moved from 800 centrifuges to 19,000 centrifuges. Any negotiated agreement that gives Iran the ability to retain so much uranium capability is completely unacceptable, and the Senate should prevent such failure from being ratified or otherwise accepted by this Congress.

When it comes to negotiation strategy, we should learn from past failures. This is not the first time we have been through something like this. An in-

structional example comes from our experience with North Korea.

When I first served in the Senate, we were dealing with this very subject. Starting with the so-called “Agreed Framework” in 1994, we tried to resolve the North Korean nuclear problem by cycles of negotiations salted with incentives. Does that sound familiar?

At various times we have relieved international economic sanctions pressure in return for promises of improved behavior from the North Koreans. As we pursued inconsistent and diffident strategies, the North Koreans responded with bouts of hostility, cynical manipulation, and threats.

They have repeatedly tested missiles with nuclear capability, revealed a vast new uranium enrichment facility previously undetected by the International Atomic Energy Association and our own services, tested nuclear weapons, intimidated and threatened their neighbors, and continued to build their nuclear weapons arsenal.

I distinctly remember being on this floor and questioning our ability to verify that the Koreans would live up to what they promised to do, and that was to not develop nuclear weapon capability.

Oh, we have this all wired in. We have their promise. We have provided aid to them in the nature of food and in the nature of a number of financial incentives, and we have the verification procedures in place.

We know that none of that worked. We know we were rope-a-doped by the North Koreans, just as we are being rope-a-doped by the Iranians. We have a precedent on which we ought to be basing our decisions in terms of how we go forward.

Maintaining the status quo is not the way to diffuse a critical threat to our national security. This is a view, by the way, that Ash Carter has expressed emphatically and one of the major reasons why I will so strongly urge for his confirmation to be Secretary of Defense.

To the contrary, Secretary Kerry, who energetically leads the current negotiation strategy with Iran, should surely have learned from the fallacies of the North Korea agreed framework example, which was that strategy's predecessor.

When Senator Kerry and I were both in the Senate, he strongly supported the North Korea strategy and was harshly critical of the Bush administration for not doing the same.

In March 2001, then-Senator Kerry said:

The Clinton administration left a framework on the table which could, if pursued aggressively by the Bush administration, go a long way toward reducing the threat posed by North Korean missiles and missile exports . . . two days ago Secretary of State Colin Powell stated that the Bush administration would “pick up” where the Clinton administration left off.

Secretary Kerry went on to say:

Apparently not. Yesterday, President Bush told . . . President Kim . . . that the admin-

istration would not resume missile talks with North Korea any time soon. I believe this was a serious mistake in judgment.

Now, after the clear and massive failure of negotiations with North Korea, Secretary Kerry is pursuing a Groundhog Day strategy for dealing with Iran. We now know for certain that North Korea was simply using negotiations to lead us down that garden path to cynical noncompliance. So why do Secretary Kerry and President Obama continue to believe blindly in hopeful talks rather than hard-edged compulsion?

This unguided blindness leads us to a second problem: The administration has ignored not only the United Nations Security Council, but the U.S. Congress as well. The administration has been clear about its intention to circumvent congressional scrutiny and agreement of any deal because of widespread bipartisan opposition. I believe that is a serious mistake.

Any settlement of issues regarding Iran's nuclear program is of paramount importance to the security of the American people, not to mention the security and stability of the world. Any proposed agreement requires thorough review and deliberation by this Congress. An agreement on an issue of such vast significance requires a bipartisan, bicameral consensus and mutual support and agreement by both the executive and legislative branches of government. Anything less than that should not be acceptable.

This is the most significant national security issue of our age, and it is being mishandled apparently to secure a legacy for the administration. Thus, it is all the more important to assert a vigorous congressional role before we are burdened with a bad agreement that does little to prevent a nuclear Iran.

These negotiations with Iran began by yielding on the central issue. They now continue, while ignoring the proper, essential role of Congress, and it appears they are aimed at achieving a legacy for the Obama administration rather than enhancing national security.

Most serious and dangerous of all is the strategic vacuum in which these Iran negotiations are taking place. Their failure will force us to face that void, and when we do, we must then return to the world that existed before these misguided negotiations began.

We will have to renew and reinforce our efforts to impose crippling sanctions on Iran. We will have to redouble our efforts to bring our allies and friends along with us, preventing the carefully constructed international sanctions regimes from slipping. And now we must find ways to limit the damage being done by an irresponsible Russia, already signing deals with Iran worth billions of dollars.

Unfortunately, and most challenging of all, we must find a way to make the threat of using military force as a last resort credible, but that will not be

easy. Our Nation is militarily, politically, economically, and emotionally exhausted by wars, and now we have been forced to embark on yet another.

Americans are justifiably repulsed by and fixated on the more immediate chaos of televised beheadings. A more abstract future threat of a nuclear Iran is beyond the horizon of most Americans, and the ayatollahs are counting on that. It is one of the many ways that the conflicts in Iraq and Syria are connected to our Iranian dilemma.

Coping with all of that at once is what leadership is all about. Four American Presidents, including our current President, have declared that a nuclear-weapons-capable Iran is unacceptable. I will repeat that: Four American Presidents, including this current President, have declared that a nuclear-weapons-capable Iran is unacceptable.

To give meaning to that repeated commitment and to do whatever is necessary to prevent Iran from getting that dangerous capability is the most urgent matter facing the United States and international security. A robust uranium-enrichment industry in Iran means a capability to produce nuclear weapons within an unacceptably brief amount of time.

The consequences of a nuclear-weapons-capable Iran are not tolerable, not acceptable, and must motivate the most powerful and effective efforts possible to prevent it from happening. That is our challenge. That is the role of the Senate. So we must insist on playing a significant role in the examination of whatever is being done and whatever might be put before us so we can examine it carefully and not repeat the mistakes of the past as we have with the North Koreans.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LEVIN. Mr. President, on Tuesday evening Senator INHOFE and I announced that we had reached an agreement with the chairman and the ranking member of the House Armed Services Committee on a new national defense authorization bill for fiscal year 2015. The text of the bill and report were published on the Web site of the House Rules Committee that evening, and on Wednesday morning we put out a press release detailing the provisions of the bill.

The bill passed the House earlier this afternoon by a vote of 300 to 119, and we expect to take it up in the Senate next week.

Our bill includes hundreds of important provisions to authorize the activi-

ties of the Department of Defense and provide for the well-being of our men in uniform and their families. The bill will enable the military services to continue paying special pays and bonuses which are needed for recruitment and retention of key personnel. It provides continued impact aid to support military families and local school districts. It strengthens survivor benefits for disabled children of servicemembers. It includes provisions addressing the employment of military spouses, job placement for veterans, and military child custody disputes. It addresses military hazing, military suicides, post-traumatic stress disorder, and mental health problems in the military. And it includes 20 provisions to continue to build on the progress we are starting to make in addressing the scourge of sexual assault in the military.

The bill provides continued funding and authorities for ongoing operations in Afghanistan and for our forces conducting operations against the Islamic State in Iraq and Syria, so-called ISIS. As requested by the administration, it authorizes the Department of Defense to train and equip vetted members of the moderate Syrian opposition and to train and equip national and local forces who are actively fighting ISIS in Iraq. It establishes a counterterrorism partnership fund to provide the administration new flexibility in addressing emerging terrorist threats around the world.

In addition, the bill extends the Afghanistan Special Immigrant Visa Program, providing for 4,000 new visas, and addresses a legal glitch that precluded members of the ruling parties in Kurdistan from receiving visas under the Immigration and Nationality Act.

Our bill takes steps to respond to Russian aggression in Ukraine by authorizing \$1 billion for a European re-assurance initiative to enhance the U.S. military presence in Europe and build partner capacity to respond to security threats of which no less than \$75 million would be committed for activities and assistance to support Ukraine, by requiring a review of the U.S. and NATO force posture, readiness, and contingency plans in Europe, and by expressing support for both lethal and nonlethal military assistance to Ukraine.

The bill adds hundreds of millions of dollars in funding to improve the readiness of our Armed Forces across all branches—Active, Guard, and Reserve—to help blunt some of the negative effects of sequestration. It includes provisions addressing the threat of cyber warfare, providing woman-owned small businesses the same sole-source contracting authority that is already available to other categories of small businesses, expanding the No Contracting With the Enemy Act to all government agencies, and requiring governmentwide reform of information technology acquisition. And although we were unable to bring the Senate-re-

ported bill—a bill that was reported by our committee—to the floor for amendment, we established an informal clearing process, pursuant to which we were able to clear 44 Senate amendments—roughly an equal number on each side of the aisle—and to include them in our new bill.

When the bill comes to the floor, I will have a lot more to say about some of the more difficult issues in the bill, such as provisions addressing military compensation reform, Army force structure, and Guantanamo detainees, as well as the so-called lands package that we included in our bill based on a bipartisan, bicameral request of the committees of jurisdiction.

I hope our colleagues will take the opportunity to review our bill. It is obviously a long bill. There are going to be enough days, we believe, to review the bill so our colleagues can have a fair opportunity to see what is in our bill. We are proud of the bill. We think it is a good bill. It would be the 42nd or 43rd straight year we will have passed a military authorization bill, a Defense authorization bill, if we are able to pass the bill next week.

I hope our colleagues will take the opportunity over the next few days to review the bill and hopefully give it the kind of broad support it deserves and that it received today in the House of Representatives.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and Senators be allowed to speak for up to 10 minutes each.

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

#### DEATH IN CUSTODY REPORTING ACT

Mr. LEAHY. Mr. President, I have long worked to pass legislation to bring additional transparency and accountability to the government. I do so again today by calling on all Senators to support the Death in Custody Reporting Act, a bill that has moved multiple times through the Senate Judiciary Committee and should pass the Senate without further delay.

This is about an open and fair government. The Death in Custody Reporting Act requires that local and Federal law enforcement officials report deaths that occur while people are held in their custody, including those that occur during arrest. Nothing more. Just yesterday the Wall Street Journal reported that hundreds of police-related deaths are unaccounted for in Federal statistics. I ask that the article, "Hundreds of Police Killings Are