

That is why the American people have never been able to use their Constitution to set fiscal rules for Washington—because doing so would set limits the national government does not want. But our liberty depends on setting and enforcing such limits.

I will repeat what I said here in 1979:

This is certainly not a trivial objective. Rather, it goes to the heart of what our system of government is going to be in the future.

That is the choice before us, and before the American people.

I have to say that if we look at the current budget, it is a fraud the President has submitted. It is pathetic. And even with that current budget, saying they are going to save us money, we are about a half trillion dollars in debt—in further debt, I might add. It is piling up in irreducible ways. It is something we have to do something about. We can no longer sit around and pretend that, somehow, Congress is going to take care of it, when Congress doesn't have the will to take care of it. A balanced budget amendment is an important part of changing that.

I will speak later on the actual amendment and what it says and what it means and how it will work. I believe it is an appropriate way of bringing this country under control and getting us to live within our means. It will take time even if we start today. But we are not starting today.

This administration cannot get anywhere near what it wants in this budget without a huge tax increase. We have had tax increase after tax increase after tax increase, and it never makes a dip in the Federal debt. We have to wake up around here and start doing some things right, or this country—the greatest country in the world—will not be able to remain so. But it has to.

If we look at the rest of the world—we are in terrible shape throughout the rest of the world. There is no other country in this world that can lead like ours can—except for evil. There are countries that can really lead, but they would lead for evil. We have got to stop that. And the only way we can is to have a nation that lives within its means, does what is right, and balances its budget. It is going to take years, if we pass this amendment, to balance the budget. If the amendment gets passed and then is supported by three-quarters of the States—38 States—this amendment will do the job.

Whatever we do, it is going to be tough. But that is better than a profligacy that is continuing to go along under all kinds of phony arguments that, when we look back on them, are really phony. They act as though they are really trying to do something about this, while spending us into bankruptcy, and more and more causing us to not be able to live within our means.

We have got to change this, and I am convinced the only way we will is with a balanced budget amendment to the

Constitution. It is the only way we can find enough people in this country who respect the Constitution to cause the result that we live—or at least start living—within our means.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 65—SUPPORTING EFFORTS TO BRING AN END TO VIOLENCE PERPETRATED BY BOKO HARAM, AND URGING THE GOVERNMENT OF NIGERIA TO CONDUCT TRANSPARENT, PEACEFUL, AND CREDIBLE ELECTIONS

Mr. MENENDEZ (for himself, Mrs. SHAHEEN, Mr. COONS, Mr. ISAKSON, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 65

Whereas Nigeria is the most populous nation in Africa, with the largest economy;

Whereas the Governments of the United States and Nigeria have had a strong bilateral relationship, and Nigeria has been a valued partner of the United States since its transition to civilian rule;

Whereas the Government of Nigeria is currently confronted with threats to internal security by terrorists, insurgents, and communal violence that have caused considerable population displacement, and at the same time must administer transparent and peaceful elections with a credible outcome;

Whereas the government and those who aspire to hold office in Nigeria must demonstrate the political will to address both of these challenges in a responsible way, including by ensuring full enfranchisement, with particular emphasis on developing a means for enfranchisement for the hundreds of thousands displaced by violence;

Whereas the members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, have terrorized the people of Nigeria with increasing violence since 2009, targeting military, government, and civilian sites in Nigeria, including schools, mosques, churches, markets, villages, and agricultural centers, and killing thousands and abducting hundreds of civilians in Nigeria and the surrounding countries;

Whereas the Department of State named several individuals linked to Boko Haram, including its leader, Abubakar Shekau, as Specially Designated Global Terrorists in 2012, and designated Boko Haram as a Foreign Terrorist Organization (FTO) in November 2013;

Whereas, in May 2014, the United Nations Security Council added Boko Haram to its al Qaeda sanctions list, and on January 19, 2015, the United Nations Security Council issued a presidential statement condemning the recent escalation of attacks in northeastern Nigeria and surrounding countries and expressing concern that the situation was undermining peace and security in West and Central Africa;

Whereas the over 200 school girls abducted by Boko Haram on April 14, 2014, from the Government Girls Secondary School in the northeastern state of Borno, whose kidnapping sparked domestic and international outrage spawning the Twitter campaign #BringBackOurGirls, are still missing;

Whereas the militant group is an increasing menace to the countries along Nigeria's

northeastern border, prompting the African Union, the Lake Chad Basin Commission, the European Union, and the United Nations Security Council to recognize that there must be a regional response;

Whereas the United States Government has stepped forward to offer assistance through intelligence sharing, bilateral and international sanctioning of Boko Haram leaders, counterterrorism assistance through the Global Security Contingency Fund program for countries in the region to counter the militant group, and humanitarian services to populations affected by and vulnerable to Boko Haram violence;

Whereas Boko Haram emerged partially as a response to underdevelopment in northeastern Nigeria, and inequality, elite impunity, and alleged human rights abuses by security forces may be fueling anti-government sentiment;

Whereas it is clear that a military approach alone will not eliminate the threat of Boko Haram, and gross human rights abuses and atrocities by security forces causes insecurity and mistrust among the civilian population;

Whereas it is imperative that the Government of Nigeria implement a comprehensive, civilian security focused plan that prioritizes protecting civilians and also addresses legitimate political and economic grievances of citizens in northern Nigeria;

Whereas Nigeria is scheduled to hold national elections in February 2015, and the elections appear to be the most closely contested in Nigeria since the return to civilian rule;

Whereas election-related violence has occurred in Nigeria in successive elections, including in 2011, when nearly 800 people died in clashes following the presidential election;

Whereas President Goodluck Ebele Azikiwe Jonathan, General Muhammadu Buhari, and other presidential candidates pledged to reverse this trend by signing the "Abuja Accord" on January 14, 2015, in which they committed themselves and their campaigns to refraining from public statements that incite violence, to running issue-based campaigns that do not seek to divide citizens along religious or ethnic lines, and to supporting the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry visited Nigeria on January 25, 2015, to emphasize the importance of ensuring the upcoming elections are peaceful, nonviolent, and credible;

Whereas tensions in the country remain high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas the people of Nigeria aspire for a fair, competently executed, and secure electoral process, as well as an outcome that can be accepted peacefully by all citizens; and

Whereas it is in the best interest of the United States to maintain close ties with a politically stable, democratic and economically sound Nigeria; Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns Boko Haram for its violent attacks, particularly the indiscriminate targeting of civilians, especially women and girls, and the use of children as fighters and suicide bombers;

(2) stands with—

(A) the people of Nigeria in their right to live free from fear or intimidation by state or nonstate actors, regardless of their ethnic, religious, or regional affiliation;

(B) the people of Cameroon, Chad, and Niger who are increasingly at risk of becoming victims of Boko Haram's violence; and

(C) the international community in its efforts to defeat Boko Haram;

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria—

(A) to conduct timely, credible, transparent, and peaceful elections;

(B) to refrain from using security services for political purposes in connection with the elections;

(C) to prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(D) to implement a comprehensive, civilian security focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(E) to improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(F) to recognize that security forces are intended to protect the safety and security of all citizens equally; and

(G) to cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

Mr. MENENDEZ. Mr. President, I am here today to speak to the troubling situation in Nigeria, one of our strongest allies in Africa since its transition from military dictatorship to civilian rule over a decade ago.

Nigeria is currently facing two grave threats to its stability. First, the country is preparing to vote next month in the most closely contested presidential election in recent history, but there is a very real danger of prolonged violence across Nigeria and mass casualties if the election results are not deemed credible.

Second, in the last 2 months, Boko Haram, infamous for kidnapping over 200 schoolgirls in Chibok in 2014, has stepped up its murderous scorched-earth campaign, killing thousands of innocent civilians, gaining control over an increasing amount of territory in the northeastern portion of the country, and threatening to disrupt elections.

It is in the face of these dual challenges, that I, along with Senators ISAKSON, SHAHEEN, BOOZMAN and COONS, have submitted a resolution which calls on Nigerian leaders to step up to the plate and show real leadership in prioritizing the safety and security of Nigerians in the elections and doing everything possible to combat Boko Haram.

For over 5 years, Boko Haram has shocked the conscience of the world and terrorized Nigerian citizens of all

religions and ethnic groups. It has targeted schools, mosques, churches, markets, villages and agricultural centers with a wave of kidnappings, killings and suicide bombs. Boko Haram terrorists have abducted hundreds, including the Chibok girls, who to this day remain missing; and has killed thousands—by some accounts over 6,000 last year alone and, since 2009, more than a million have been displaced.

In January, Boko Haram staged a 4 day assault on the northeastern town of Baga, abducting civilians, and forcing thousands to flee. Eyewitnesses claim as many as 2000 dead, though the government disputes this number. Satellite photographs show disturbing images of towns burned and razed. What began as a localized insurgency that targeted the military and government has grown into a sub-regional menace. Boko Haram has metastasized, effectively denying the government control over a significant swathe of territory in the three most affected states of northeast Nigeria, and undertaking bold incursions into neighboring countries. The Nigerian government's response has been ineffective at best. At worst, the actions of the security forces, who have been accused of alarming excesses, may have exacerbated the problem. These are things the Nigerian government must acknowledge and address if they want to end the reign of Boko Haram in communities most affected by the terrorist group.

The international community, the African Union, European Union, the Lake Chad Basin Commission, and United Nations Security Council—have all recognized that there must be a regional response to Boko Haram. On January 26, AU Commission Chairwoman Dlamini Zuma said that Boko Haram is a threat to the whole continent. Just days ago, the AU Peace and Security Council approved a 7500 strong regional force to combat the group. Recent U.S. efforts to provide assistance have been unilaterally rebuffed. Clearly, the international community is concerned and engaged. What is not so clear is the commitment of the Nigerian government to a thoughtful strategy of engagement.

During my meeting with President Jonathan at last year's African Leaders' Summit, I urged him to implement a comprehensive approach to address the Boko Haram insurgency—one that addresses both the security threat as well as the legitimate grievances of local communities. At the end of the day, Nigerian officials must come to terms with the fact that a military solution alone will not solve the problem. To date, the government does not appear to have formulated a comprehensive strategy, and as a result, the insurgency continues to gain momentum.

Against this backdrop of government inaction and Boko Haram's unspeakable terrorism raging in the north,

presidential elections are scheduled for February 14. For the first time since Nigeria transitioned from military rule to democracy in 1999, a unified opposition party will challenge the ruling People's Democratic Party, PDP. This election will test the strength of an electoral process that has been marred by violence. In 2011, more than 800 people were killed in clashes that followed what international observers deemed to be the most free, fair, and best-administered elections to date.

Despite the history of electoral violence, the Nigerian Government has yet to implement reforms recommended by the Independent National Electoral Commission, INEC. INEC itself has taken a number of steps to improve the legitimacy of the voting process, including conducting widespread voter registration programs and introducing biometric voter identification cards. INEC is engaged in a valiant effort to distribute permanent voter cards in time for next month's elections, and we should continue to support such efforts until the job is done to protect the legitimacy and integrity of the elections.

National Security Advisor Sambo Dasuki has said the voter card distribution is too slow, and recently suggested that the elections be postponed. I think this suggestion has understandably raised suspicion and skepticism as to his motives and those of the PDP given that the race between President Jonathan and his challenger, Muhammadu Buhari, is by all accounts close to a dead heat. It is true, however, that increasing violence in three northern states threatens to disenfranchise a significant number of voters. And it is unclear how those who have been internally displaced will be given the opportunity to vote. In my view, there must be an effort to develop a consensus about how these twin challenges should be addressed or Nigerians may well dispute the results.

The two leading presidential candidates have made a public commitment to non-violence during the elections. They should be commended for their verbal assurances, and they should be held responsible if they renege. As Secretary Kerry said in Lagos at the end of last month, "the international community is paying very close attention to this election."

Nigeria has the largest economy and is the most populous country in Africa. So goes Nigeria, so goes West Africa. We cannot, from a strategic standpoint, afford for it to fail. That is why the international community must continue to urge Nigerian political leaders to listen to all voices, regardless of ethnic, religious, or regional affiliation, and to safeguard the right of the Nigerian people to shape their own destiny.

SENATE RESOLUTION 66—EX-PRESSING SUPPORT FOR THE DESIGNATION OF FEBRUARY 12, 2015, AS “DARWIN DAY” AND RECOGNIZING THE IMPORTANCE OF SCIENCE IN THE BETTERMENT OF HUMANITY

Mr. BLUMENTHAL submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 66

Whereas Charles Darwin developed the theory of evolution by the mechanism of natural selection, which, together with the monumental amount of scientific evidence Charles Darwin compiled to support the theory, provides humanity with a logical and intellectually compelling explanation for the diversity of life on Earth;

Whereas the validity of the theory of evolution by natural selection developed by Charles Darwin is further strongly supported by the modern understanding of the science of genetics;

Whereas it has been the human curiosity and ingenuity exemplified by Charles Darwin that has promoted new scientific discoveries that have helped humanity solve many problems and improve living conditions;

Whereas the advancement of science must be protected from those unconcerned with the adverse impacts of global warming and climate change;

Whereas the teaching of creationism in some public schools compromises the scientific and academic integrity of the education systems of the United States;

Whereas Charles Darwin is a worthy symbol of scientific advancement on which to focus and around which to build a global celebration of science and humanity intended to promote a common bond among all the people of the Earth; and

Whereas February 12, 2015, is the anniversary of the birth of Charles Darwin in 1809 and would be an appropriate date to designate as “Darwin Day”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of “Darwin Day”; and

(2) recognizes Charles Darwin as a worthy symbol on which to celebrate the achievements of reason, science, and the advancement of human knowledge.

SENATE RESOLUTION 67—AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE TO REVISE THE NUMBER OF AFFIRMATIVE VOTES REQUIRED TO END DEBATE ON NOMINATIONS

Mr. ALEXANDER (for himself and Mr. LEE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 67

*Resolved*,

SECTION 1. CLOTURE RULE.

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “And if that question” and all that follows through “disposed of.” and inserting the following: “If the question is decided in the affirmative in the case of a nomination on the Executive Calendar by a majority of the Senators duly chosen and sworn; in the case of a measure or motion to amend the Senate rules by two-thirds of the Senators present and voting; and in the case of any other

measure, motion, or matter, by three-fifths of the Senators duly chosen and sworn, then the foregoing measure, motion or matter pending before the Senate, or the unfinished business, upon which the question was decided in the affirmative shall be the unfinished business to the exclusion of all other business until disposed of.”

Mr. ALEXANDER. Mr. President, I am especially pleased to see that the Senator from Utah is presiding this afternoon because I come to the floor today to offer a resolution which is his inspiration, really, and on which I am pleased to be working with him.

Simply put, this is a resolution to establish a majority vote on Presidential nominations. This would establish by rule the Senate tradition of approving Presidential nominations by a simple majority vote. The rules change we propose would establish by rule this tradition of approving Presidential nominations of Cabinet Members and judges by a simple majority vote, which existed from the time Thomas Jefferson wrote the rules in 1789 until 2003, when Democrats began filibustering Federal Circuit Court of Appeals nominees.

Most importantly, it would change the rules in the right way, through a two-thirds vote, which is what the existing rules of the Senate provide. Unfortunately, on November 21, 2013, Democrats broke the Senate rules without even attempting to get the 67 votes required to change the rules, which caused former Senator Carl Levin, a Democrat from Michigan, to say at the time, quoting former Senator Arthur Vandenberg of Michigan, that “if a majority of the Senate can change its rules at any time, there are no rules.” We are the Nation’s rule-making body. If we cannot follow our own rules, how can we expect the American people to show respect for and follow the rules we help to create?

The proposal Senator LEE and I have made will be considered by the Senate Committee on Rules and Administration, according to the Senator from Missouri, Senator BLUNT, the chairman of the Rules Committee. It would ultimately require a two-thirds vote of the Senate to change the Senate rules. This all has to do with the so-called nuclear option.

If I might say an additional word about the so-called nuclear option, I came to the Senate in 2003, which was when our Democratic friends decided they would use cloture, which requires 60 votes to cut off debate, as a way of denying a Presidential nomination on a Federal circuit judge. It had never in the history of the Senate been used before in that way. Cloture had been used twice, I believe, based on my research, to deny a sub-Cabinet member a position in the 1990s, but that was the first time it had ever been used on any such position with the exception of Abe Fortas.

It is important, given all the misinformation that has been spread about the nuclear option, to know what the facts are. The tradition has always

been in the Senate that Presidential nominations deserved an up-or-down, 51-majority vote. That has basically been the tradition. Even with the most controversial nominations, such as that of Clarence Thomas, the Supreme Court Justice—I believe the vote was 52 to 48—there never was a suggestion that someone might use cloture to require it to be 60 votes. Cloture didn’t apply to nominations until 1949, so it was never used between the time Jefferson wrote the rules at the beginning of the Senate and 1949.

It was first used in 1968, but not really. President Johnson was trying to save face for Abe Fortas, his friend who was a Supreme Court Justice. He had nominated him for Chief Justice. A problem came out, and President Johnson engineered a 45-to-43 cloture vote, which Fortas “won.”

That is really the only exception in the whole history of the Senate until 2003, when the Senate said it is going to take 60 votes to confirm a Presidential nomination for a judge rather than the traditional 51.

I have talked to several of my colleagues on the other side about this issue. They are fairly straightforward about why they did it. They thought President George W. Bush’s nominees were “too conservative.”

I knew some of those judges—Judge Pickering of Mississippi, for example. He put his children into a public school in Mississippi in the 1960s, and he was being accused of being a segregationist when he was actually leading the charge in his State of Mississippi to desegregate the public schools.

William Pryor of Alabama was a law clerk for Judge John Minor Wisdom. I know the distinguished Senator from Utah, who was a Supreme Court law clerk, knows of Judge Wisdom. He was regarded by everyone as one of the finest Federal circuit judges in the country. He had the greatest respect for William Pryor. He would have been shocked to hear what was said about him at the time.

It was a shocking thing to me to arrive in the Senate in 2003 and find my friends on the other side of the aisle for the first time in Senate history saying it would take 60 votes to confirm President Bush’s judges. I strongly objected to that. I even suggested that if a few Senators on this side and a few Senators on that side would work together, we could break the stalemate. A Gang of 14 was created. It did break the stalemate, but as a result, five judges nominated by George W. Bush were not confirmed because the other side decided they didn’t like their philosophical views. So instead of a 51-vote margin, they required 60, and so they weren’t confirmed.

This is the tally in the history of the Senate. The number of Supreme Court nominees in the history of our country who have ever had their nomination denied by filibuster, by a cloture vote, is zero, with the exception of the Fortas nomination, if you want to