

pulls up into the driveway, your spouse loses their breath, and you read that this is what the Congress is doing to you—changing the deal? You did your part of the deal, but all of a sudden we decide to change the deal because we have to find some money around this place to pay for a budget deal that does not do a whole lot for the long-term indebtedness of the country. And when we look to find money, we saw you as a source of money—not as the patriot, not as the front-line defender of freedom, not as the volunteer who took the burden off our backs and gave our families a pass. Shame on us all.

But the way you fix it is you fix it. To my friends at the Washington Post, Bowles-Simpson never said as part of their efforts to balance the budget—and I embrace their process—that we would eliminate military retiree COLAs as a recommendation. They set a target goal of saving \$70 billion over 10 years from a Federal workforce entitlement task force to be set up to look at civilians and the military who work for the Federal Government, and they created the task force with a target goal of achieving \$70 billion as a contribution toward reforming entitlements on that side of the ledger.

They gave examples of what the task force might look at: Use the highest 5 years of earnings to calculate civil service pension benefits for new retirees, rather than the highest 3 years. That could save \$5 billion. Defer cost-of-living adjustments, as we are talking about here. That could save \$5 billion. Adjust the ratio of employer-employee contributions to Federal employee pension plans to equalize contributions, \$4 billion. These are examples of things to look at—not Bowles-Simpson recommendations. The recommendation of Bowles-Simpson was to find \$70 billion from military and civilian retirement programs over 10 years through a task force.

What did the Congress do? We set up a commission—rather than a task force—to do exactly what Bowles-Simpson said to do. And to our wisdom, we told the commission, when it comes to the military, grandfather those who are currently in the system. That made sense to me. But under the budget agreement, we violated our own instructions to the commission by getting \$6.3 billion from the military retirement community retroactively, from everybody in the system up to age 62, and only them. The civilian workforce had to make a contribution only for new hires.

If that is OK with the Washington Post, then I would suggest you have lost your way down there. I hope I never get so smart that taking \$72,000, \$80,000, \$100,000—whatever the number is; the bottom line is, the minimum was \$72,000 out of the E-7 cost-of-living adjustment; 3 years of their retirement—I hope I never get so smart about the budget that I find that to be itsy-bitsy, teensy-weensy. I hope I never get so callous that I could sit on

the sidelines and allow the military retirement community to be singled out, unlike anybody else in the Nation, to find \$6.3 billion when we are looking for money.

The bottom line is we will find the \$6.3 billion. We are going to find it in a more acceptable way. And there will come a day when we reform benefits, but we are going to do it consistent with the charter that the Congress has created.

To our military community, you need to fight. You need to show up during the holiday break, and you need to remind all of us—just not Members of Congress—you need to toot your horn a little bit because it is so darn hard for you to do. You should humbly ask the U.S. House and Senate to reconsider this. You should humbly ask that the pay you received has been earned, and to change the deal in midstream is wrong. And you should remind us that: I have lived up to my end of the bargain. I am only asking that you live up to your end of the bargain. We need your voice.

So to the Senator from Virginia, who is presiding over the Senate, I know you will be part of the solution. There is a sweeping movement here in the Senate to try to find a way to right what I think is an injustice. Reform will come with it. But it sure as hell is not going to come this way.

I yield the floor. Merry Christmas.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, first I wish to thank my colleagues from New Hampshire and South Carolina.

There is at least an opportunity or a tradition at the end of a calendar year that we take the nominations pending in the Senate, both in committee and on the calendar, and literally return them to the White House. That means that in the beginning of the next year, we start over. It may mean a hearing, it may mean postponement, but we lose all we have achieved up to this point. We absolutely have to start over. I would argue at this point that we seriously consider changing that tradition, and I will make a unanimous consent request to change it.

There are some 238 total nominees who are at issue here. Eighty-three are on the Executive Calendar and 155 are pending in committee—nominations sent by the White House to Capitol Hill which have either been lost—not lost in committee but held in committee—or sent to the calendar. Of the group I have just mentioned, of the 238, 47 are judicial nominations, 36 are Ambassadors—and I have read through the list of countries here and they range from some of the smaller ones to larger countries as well—and 86 are nominees to Cabinet-level agencies. So it is a wide spectrum of appointments that have been sent for Senate consideration to Capitol Hill.

We are embroiled in an internal debate about the rules of the Senate con-

cerning the filibuster and nominations. It is one that has not been resolved to the satisfaction of either side of the aisle, but we have labored through it over the last several weeks and will when we return.

I am going to make a unanimous consent request that those nominations—all of them; the military nominations as well as others—be held here on the calendar and in committee and not be returned to the White House, thereby requiring we repeat everything we have done in this previous year. We don't get high marks at the end of this year for our legislative performance, and to throw aside all of the effort that has been put into these nominees and require the White House to start over is literally a waste of time and unfortunate for these nominees, many of whom have been waiting for a long period of time for consideration and a vote by the Senate.

This is a chance, with this unanimous consent request, to get the next year off to a good start, where we can take what has been done with nominees, use it, take those nominations that are on the calendar, move forward; they will still be subject to an up-or-down vote. The Senate has to work its will, and that will not be compromised at all by the unanimous consent request I am making, but I am hoping we can get it through so that when we return on January 6, we will have an opportunity to move with a little more dispatch and a little more productivity in the Senate.

As in executive session, I ask unanimous consent that all nominations received by the Senate during the 113th Congress, first session, remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Yes. Reserving the right to object, to my good friend from Illinois, all I can say is that the normal way the Senate has operated for a couple of hundred years has been destroyed this year, and asking that normalcy come about now is beyond the pale, but we are where we are. So I object.

However, I urge the Senate to act to confirm the many military nominations pending for the Army, Navy, Air Force, and Coast Guard. So I object, with that understanding.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I understand we are at a point of great emotions and feelings, stress in the Senate over the change in the rules about the use of the filibuster in the Senate. Unfortunately, it appears that we are going to stay in that state for at least a short period of time, and I am not holding my colleague from South Carolina accountable for that. I believe what he has done is reflect the feelings on that side of the aisle, not just his personal feelings. However, I believe he has made a valuable suggestion.

# NATIVE AMERICAN MEMORIAL AMENDMENTS ACT

Mr. SCHATZ. Mr. President, last night the Senate passed the Native American Memorial Amendments Act of 2013. The bill now heads to the President for his signature. I introduced the Native American Memorial Amendments Act in May. I have worked with Representative MULLIN since he introduced an identical bill in the House in June.

This bill is needed to facilitate construction of a long-awaited Native American Veterans' Memorial on the National Mall. This memorial has languished for almost 20 years since the passage of the original Native American Veterans' Memorial Establishment Act. This legislation builds off of the great work of Senator MCCAIN, who introduced the initial bill to authorize the Native American Veterans' Memorial, and Senator INOUE, who as the Indian Affairs Committee chairman worked to enact the law in 1994.

My bill also continues Senator AKAKA's great legislative effort to fulfill the promise of this memorial. Native Americans, including Native Hawaiians, Alaska Natives, and American Indians, serve and have always served at a higher rate in the Armed Forces than any other group of Americans per capita.

In every conflict since the Revolutionary War, Native Americans have answered the call to serve and defend our country. I introduced my bill so our Nation can recognize Native Americans' service and patriotism with a fitting memorial. A memorial to Native veterans will make sure future generations learn about the sacrifices Native Americans have made in service to our Nation.

It will commemorate their exceptional commitment to the principles of freedom and democracy. Last month, Congress awarded its highest honor, the Congressional Gold Medal, to the American Indians we know as code talkers. These brave men played a critical, and for too long unacknowledged, role in both World Wars. The celebration of our legendary code talkers in Emancipation Hall at the U.S. Capitol was a historic and proud moment.

But it is regrettable that most of the 216 honored did not live to see their heroic contributions acknowledged. Congress was decades late in recognizing the Native American code talker's work when we needed them most. We cannot make that mistake again. I believe now is the perfect time to move forward on a lasting tribute to all Native veterans, including the extraordinary contribution of Native Hawaiians.

My home State of Hawaii is second to none when it comes to patriotism, public service, and personal sacrifice. The heroic deeds of Anthony T. Kaho'ohanohano from Wailuku, Maui, prove just how true this is. He joined the Army to fight in combat in the Korean war.

He was assigned to Company H, 17th Infantry Regiment, 7th Infantry Division. Private First Class Kaho'ohanohano displayed extraordinary heroism near Chopra-Ri, Korea, on September 1, 1951. Due to the enemy's overwhelming numbers, troops were forced to execute a limited withdrawal. As the men fell back, Kaho'ohanohano ordered his squad to take up more defensible positions. He provided cover fire for them.

Although painfully wounded in the shoulder during the initial enemy assault, he gathered a supply of grenades and ammunition and returned to his original position to face the enemy alone. Kaho'ohanohano delivered deadly, accurate fire onto the advancing enemy. After going through all of his ammunition, he engaged the enemy in hand-to-hand combat until he paid the ultimate price fighting to protect his fellow soldiers.

President Obama awarded U.S. Army Private First Class Kaho'ohanohano the Presidential Medal of Honor, our Nation's highest military honor, posthumously. Private First Class Kaho'ohanohano, the thousands of Native Hawaiians, and Native Americans who have served our country with such honor deserve a memorial on the National Mall.

My Native American Memorial Amendments Act that passed last night will allow for a privately funded memorial to be located on grounds under the jurisdiction of the National Museum of the American Indian. The museum will have the much needed flexibility to raise funds and take on a more active role in planning and construction.

The Native American Memorial Amendments Act of 2013 was endorsed by the National Congress of the American Indians, Alaska Federation of Natives, the Council for Native Hawaiian Advancement, the largest three Native American membership organizations in the country. The National Museum of the American Indian and the National Park Service are in agreement as well.

I wish to thank the strong support of the bipartisan cosponsors of this bill: Senators BARRASSO, BEGICH, HEITKAMP, INHOFE, MURKOWSKI, TESTER, THUNE, and WYDEN. I also wish to thank especially chairwoman MARIA CANTWELL for her work to ensure the passage of this bill. It is long past time for our Nation to honor the uncommon contributions of Native Hawaiians, Native Alaskans and American Indians and other Native veterans. These brave men and women have served during war and peace to preserve our freedoms in remarkable high numbers. The valor of our Native American veterans, their dedication to duty and remarkable record of military service must forever be remembered. This memorial will do just that.

I yield the floor.

# BIPARTISAN BUDGET RESOLUTION

## PAYMENTS IN LIEU OF TAXES

Mr. BAUCUS. Madam President, I come to the floor today with my friend Chairman WYDEN to express support for extending natural resource programs that are critical to communities across the country. This week the Senate passed a bipartisan budget resolution. In January we will return to consider legislation to fund the government for the rest of the fiscal year.

This past October, Congress was able to extend critical payments to forested counties under the Secure Rural Schools, SRS, program for 1-year in a bipartisan fashion. Irrespective of the appropriations bill that we may take up in January, we now need to do the same for counties eligible for payments under the Payment in Lieu of Taxes Program, or PILT. PILT is a permanently authorized program created in 1976 that since 2008 has received direct spending. It is an essential source of funding for local governments that cannot collect taxes from Federal land within their borders.

A long-term solution to provide stable direct funding for PILT and other natural resource programs that buttress rural economies, like SRS and the Land and Water Conservation Fund, is our common goal. In the meantime, we remain committed to extending direct spending on PILT and look forward to finding an opportunity to do so in the first half of 2014. Does the distinguished senator from Oregon wish to express himself on these points?

Mr. WYDEN. Madam President, I wish to associate myself with the comment of my friend from Montana and affirm that I too share the commitments he described. These payments extend a vital lifeline to counties across America, many of which are perched on the edge of financial disaster. Securing that funding has been a top priority for me this Congress. I am pleased that Congress found a way to continue its commitment to the Secure Rural Schools Program thanks to the helium bill that I worked on with colleagues in the Senate Energy and Natural Resources Committee. There is still work to do for the 1,850 PILT-eligible counties, and I look forward to working with the majority leader and Chairman BAUCUS—who are both longtime champions of PILT—and other supportive colleagues to find a short-term extension and also a long-term solution for these communities.

## FARM BILL CONFERENCE

Mr. LEAHY. Madam President, while the days are limited before the end of 2013, the Farm Bill Conference Committee presses on, working together in a bipartisan fashion to resolve differences and to take the steps necessary to enact a comprehensive and balanced farm bill. Under the leadership of Chairwoman STABENOW and