

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 Inouye, 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

Chairman LUCAS, it now appears we are on target to complete our work on this bill early in the New Year.

Nonetheless, it has now been more than 440 days since the farm bill first expired. Farms are businesses, and farmers in Vermont and across the country are desperate to have a new farm bill enacted to give them the much-needed certainty for their planting and other farm decisions. Since the 2008 farm bill expired last year, we have seen parts of the country ravaged by blizzards that wiped out cattle herds while commodity prices slump. More than 20 programs, including the Organic Certification Cost Share Program, the Beginning Farmer and Rancher Development Grant Program, livestock disaster, renewable energy programs, and assistance for rural small business owners have been stranded without updated charters, and the USDA has had to press the pause button since these programs are stuck with no authorized funding. Those who participate in these programs are left hanging. That is as unwise as it is unfair.

Last week the House of Representatives quickly took up and passed a short-term extension of the farm bill with very little debate and has asked the Senate to do the same. I have heard a lot of concern here in the Senate that this short, 1-month extension could allow direct payment subsidies to continue for another full year. We have already agreed on a bipartisan and bicameral basis to get rid of these unnecessary and expensive direct payment subsidies to agribusiness, so we should not fall into this trap of extending them for a full year. That would be unacceptable, and, according to Secretary Vilsack, unnecessary.

Secretary Vilsack has indicated that if Congress completes the farm bill in early January, which can be done based on progress we have already made, we will not see the negative effects of the expiration of the dairy title, and implementation of the law should go smoothly. This is a reassuring, positive signal from the Secretary that consumers and our dairy farmers will not see the spikes in the cost of milk that we had all feared last New Year's Eve.

Of course, if the House of Representatives really wanted to get a farm bill done sooner, they would have kept the House in session this week instead of recessing for the year. Instead, they pushed forward a counterproductive short-term extension to make it seem that they are doing something for farmers. This comes after the House leadership spent much of the past 2 years dragging their feet on farm policy and reforms, while the Senate has now passed two overwhelmingly bipartisan and reform-oriented farm bills.

While we had first hoped to complete this work in 2012, the farm bill was pushed back to 2013, and it will soon become the 2014 farm bill. Over the last 2 years, the need for this comprehensive legislation has only grown. We

have all heard stories from our home States about the real impacts caused by the failure of Congress to pass a new farm bill and the continued uncertainty for farmers and those who rely on USDA's nutrition programs. I regret that far too many hungry and food insecure families across America have to wonder whether this most basic assistance will still be in place to offer support in the new year. I have always been a strong proponent of nutrition assistance programs and the doors they open and will continue to oppose drastic and draconian cuts and damaging changes to these programs.

I look forward to returning in January and sitting down with the Conference Committee to work through the final details of this bill. We cannot delay any longer, and I am pleased that Chairwoman STABENOW and Chairman LUCAS have come together in a bipartisan way to move the farm bill forward. As a past chairman of the Senate Agriculture Committee, and a seven-time farm bill conferee, I know the challenges they have faced. I look forward to helping with the final steps in conferencing this legislation—a bill that touches every American. Its passage will strengthen the Nation and grow our economy.

The Farm Bill has long stood as a model of bipartisan consensus. I look forward to the Senate and House reaching a final bipartisan agreement that will move the bill forward to the President's desk.

JUDICIAL NOMINATIONS IN 2013

Mr. LEAHY. Madam President, Republicans are once again—for the fifth year in a row—rejecting the long-standing Senate practice of scheduling confirmation votes on consensus nominees before the end of the session. Rather than working in a bipartisan fashion to confirm consensus nominees to fill judgeships as we wind down for the year, Senate Republicans have deliberately refused to agree to vote on consensus nominees who could and should be confirmed without delay. The result is that we will spend a significant portion of the next year on the Senate floor doing work that should have been completed this year. And now the Republican abuse of Senate rules has further escalated—Republicans have, for the first time ever, refused to allow any currently pending judicial nominees to be held over so that they could be ready for immediate action next year. For purely political reasons, Senate Republicans are forcing us to duplicate work next year that we have already completed in 2013. It is a waste of taxpayer dollars and valuable resources that could be spent addressing the difficult issues facing our Nation.

As it stands, nine judicial nominations pending on the Senate Executive Calendar—all reported by the Judiciary Committee unanimously or with significant bipartisan support—are being

returned to the President. Another 15 judicial nominees who could have been reported to the full Senate and confirmed by the end of this year had Senate Republicans not blocked the Judiciary Committee's ability to meet to report these nominees to the full Senate are being returned to the President. Another 31 judicial nominees pending in the Senate Judiciary Committee will also be returned to the President. Each of these nominations represents a significant amount of work by the nominees themselves, the White House, the Department of Justice, and Senate staff on both sides of the aisle. The only judicial nomination not being returned to the President is Robert Wilkins' nomination to the U.S. Court of Appeals for the DC Circuit because the procedural posture of his nomination enables the Senate to hold his nomination over until next year. I am pleased that Judge Wilkins' nomination will not be returned, which allows for quick action next year, but there is no good reason to return any of the other 55 judicial nominations pending in the Senate.

Senate Republicans' persistent obstruction over the last 5 years has led to record-high vacancies in Federal courts throughout the country. At the end of 2009, Senate Republicans left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other eight. This resulted in the lowest 1-year confirmation total in at least 35 years. At the end of 2010 and again in 2011, Senate Republicans left 19 nominations on the Senate Executive Calendar. It then took nearly half the following years for the Senate to confirm these nominees. Last year they blocked 11 judicial nominees from votes and refused to expedite consideration of others who had already had hearings. And this year, they have escalated their obstruction and delay of judicial nominations by indiscriminately requiring that nominees be sent back to the President at the end of this first session of the 113th Congress, the effect of which is to needlessly cause delay in the Senate's ability to process these nominations and prevent more judges from getting to work for the American people.

Senate Republicans will argue that the change in Senate precedent a few weeks ago on nominations is the cause of their refusal to cooperate, but history shows that this is simply not true. The truth is, from the first day President Obama took office, Senate Republicans pursued a path of delay and obstruction on judicial nominees that departed dramatically from Senate tradition. That it took 5 years into this Presidency for the rules to change has been the result of certain Senators, including me, who have been reluctant to change prior Senate practice. But once the government stops functioning, the right course of action is to do what