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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, June 5, 2014, at 3 p.m.

Senate

TUESDAY, JUNE 3, 2014

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

We praise You, O God almighty. Let Heaven and Earth adore You, for we are sustained by Your majesty and might. Bless our Senators, guiding them around the many distractions our busy world offers. Lord, deliver them from the inclination to pray pedestrian and comfortable prayers. May they instead pray courageously about even the things they fear and, in Your presence, hear You say, ''Don't be afraid; it is I.'' Remove the barriers of fears, suspicions, and doubt that keep them from You. Be with them every hour of this day, teaching and guiding them with Your wisdom.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

BIPARTISAN SPORTSMEN'S ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 384, S. 2363, the Hagan sportsmen's legislation.

The PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will be in a period of morning business until 11 a.m., with the majority controlling the first half and the Republicans controlling the final half.

At 11 a.m. the Senate will proceed to executive session to consider the nomination of Keith Harper to be a U.S. Representative to the U.N. Human Rights Council, postcloture. The time until noon will be equally divided and controlled in the usual form.

At noon there will be two rollcall votes: first on confirmation of the Harper nomination, and then there will be a cloture vote on the nomination of Sharon Bowen to be commissioner at the CFTC.

Following the votes, the Senate will be in recess until 2:15 p.m. to allow for the weekly caucus meetings.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

ENERGY POLICY

Mr. MCCONNELL. Mr. President, 4 years ago Washington Democrats sold this country a bill of goods. Like a Ginsu knife pitchman, they promised that ObamaCare would create jobs, improve the economy, lower premiums, and reduce health spending—all for the low, low price of not causing Americans to lose their insurance, their doctors or the hospitals they liked.

Today, Americans know the truth. It was a sham, the lie of the year, convenient deceits told to advance the far left's agenda.

The people we represent just want the pain of ObamaCare to go away, but the Democrats who run Washington have other ideas. Just yesterday they rolled out the red carpet for a sequel. That is just what we saw when the Obama administration announced its latest front in the war on Kentucky coal jobs.

The newest attack is the most extreme yet. The President wants Americans to believe that his national energy tax can somehow heal the planet and regulate the oceans, and he wants you to believe that it can be done without harming middle-class families; that, in fact, his massive regulatory scheme will actually create jobs and bring billions in economic benefits and shrink—you heard that right, shrink—America's energy bills.

Well, if you believe that, I have some ObamaCare to sell you. This is the same President, remember, who boasted as a candidate that his energy tax policies would make electricity prices skyrocket. The truth is the President's energy tax won't even have an appreciable effect on global carbon emissions anyway.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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President Obama's last Environmental Protection Agency head told us as much, saying: ''U.S. action alone will not impact world CO_2 levels.'' That is a quote from her. She said: ''U.S. action alone will not impact world CO_2 levels.'' That was spoken by the previous EPA Administrator.

You need emissions-heavy countries such as India and China on board first. That is just a scientific fact, although I suspect our friends on the left will conveniently ignore it because the point of this whole exercise is sadly obvious. It is not about science or global warming at all. It is all about making privileged elitists—elitists who may not feel the pinch of a higher utility bill or the pain of a lost job—feel as if they did something.

There is another reason why the echoes of ObamaCare here are so unmistakable. The President's national energy tax represents a direct attack on the American middle class.

Experts say it would devastate entire swaths of our economy and could lead to a loss of nearly half a million jobs, according to one AFL–CIO labor union estimate. In fact, the head of that union, the United Mine Workers of America, said this energy tax would lead to long-term and irreversible job losses.

The national energy tax would also shift middle class jobs overseas, shatter our manufacturing base, and drive up energy costs for families. It is a dagger aimed right at the heart of the American middle class, at a time when our constituents are already struggling under the weight of so many of this administration's other failed policies.

Let's not forget: Opportunity has already decreased for too many families under this President's watch. Millions of our friends and neighbors are still out of work, and the economy is at a standstill.

This is President Obama's plan, to squeeze the middle class even harder, ship American jobs overseas and to do it by going around Congress? It is clear that the President is trying to impose this national energy tax via Executive order because he knows the representatives of the people would never vote for it.

He knows that Congress already rejected a similar national energy tax when he tried to pass it back in his first term. Maybe he is avoiding legislative accountability because he knows this energy tax is too cruel, because he knows it would have an especially devastating impact on the most vulnerable members of our society—the poor, the unemployed, and seniors on a fixed income.

It is a curious thing. The same elites who like to lecture us from their privileged perches about helping others are often the same people who seem to care the least about who their extreme policies hurt. To them the American people are just hoi polloi, the commoners who these elites think need their enlightened guidance.

That is especially true when it comes to coal-mining families in my State, good people who this administration hasn't even bothered to hear from. Kentucky miners know that coal keeps the lights on. All they want to do is provide for their families and put food on the table.

They have committed no crime, they have done nothing wrong, but the Obama administration has declared a war on them all the same. A White House advisor was quoted as saying that a war on coal is ''exactly what's needed.''

These are callous positions, to be sure, but they are easy things to say when you live hundreds of miles away, when you don't have to live with the real-world consequences of your ivory tower ideological fantasies, when you don't have to see the raw human costs of your schemes. That certainly was the approach the administration took when it scheduled listening sessions to discuss its anti-coal regulations. It only wanted to hear applause from fellow leftwing elites, so it didn't schedule a single listening session in coal country—not one.

This is what one miner said at a coal listening session that I hosted in Eastern Kentucky after the administration refused to attend: ''Our biggest worries now are just trying to keep a roof over our heads [and] food on the table.''

He is not alone, and he needs to know this: We are on the side of the aisle that hears him. We are not going to let this administration's anti-middle class policies go unchallenged.

That is why today I am introducing legislation, the Coal Country Protection Act, that would push back against the President's extreme anti-coal scheme. It would require that simple but important benchmarks be met before his rules could take effect.

The Secretary of Labor would have to certify that it would not generate loss of employment. The Director of the Congressional Budget Office would have to certify that it would not result in any loss in the American gross domestic product.

The Administrator of the Energy Information Administration would have to certify it would not increase electricity rates, and the Chairman of the Federal Energy Regulatory Commission and the president of the North American Electric Reliability Corporation would have to certify that electricity delivery would remain reliable.

It is just common sense. That is why I call upon the majority leader to schedule a vote on this legislation immediately and to help us pass it, because Kentucky mining families are counting on him and so are countless middle-class families in my State and across the country who stand to get hurt by this administration's cold ideological attacks.

If the majority leader and Senate Democrats stand in the way of passing this bill, Kentuckians and the American people will remember who stood with them and who worked against them. I imagine they will want to send a majority to Washington that would actually work for the middle class for a change, instead of hurting seniors and shipping jobs overseas.

At the end of the day it comes down to this: The President's national energy tax is ObamaCare 2.0. It is a massive big-government boondoggle that is being marketed as something it isn't. It is an idea that will not even solve the larger problem it purports to address, and it will hurt the middle class.

So the President can pretend his national energy tax is about helping the environment, but we know better. It is not going to do a thing to meaningfully control global carbon emissions. This is really about growing government. It is really about making leftwing elitists feel better about themselves, and it is really about helping political supporters in places such as California and New York while inflicting serious pain on people and places like Kentucky.

I am going to continue to fight. Kentuckians deserve no less. I am going to keep vigorously fighting against the Obama administration's continued war on coal jobs and this extreme, extreme anti-middle class national energy tax in particular.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. KING). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees and with the majority controlling the first half of the time.

The Senator from Illinois.

GLOBAL WARMING

Mr. DURBIN. Mr. President, I rise in morning business to respond to the Republican Senate leader who just spoke.

I preface my remarks by making the claim that I have made on the floor now three different times, and I am still waiting for the first Member of the other party to come to this Senate Chamber and to dispute what I am about to say.

The Republican Party of the United States of America is the only major political party in the world today that denies global warming.

I have said it. I am waiting for them to come forward and say: No, there is another one somewhere. One said: Well, we think there is one in Australia.

Really? So the entire world understands that global warming is a challenge except for one political party, the Republican Party of the United States of America.

And what have we seen with global warming? We have seen a change in the world we live in. Weather is more extreme; things are changing.

We have from time to time young people who come and visit the Senate Chamber and sit in the galleries. They are always welcomed, but of course our debate today is about them. It is about the world they will live in and a question of whether it will be habitable, a world they can live in and prosper. Don't we have an obligation, our generation, to leave that world to them and, if nothing else, a world as good as what we inherited from our parents and grandparents?

That is what this debate about. And if we are going to do that, we have to make some changes. Can America make a change? We sure can. We have led the world when it comes to change. This President sat down with the automobile manufacturers, after decades of resistance to the notion of more fuel-efficient vehicles, and hammered out an agreement that now we are driving cars and trucks that take us the same distance and burn fewer gallons of gasoline.

My wife and I drive a Ford Fusion Hybrid, 36 miles a gallon, and we can beat that with other cars, but we are pretty happy with our little Ford. Nobody put a gun to my head and said buy it. My wife and I thought it was the responsible thing to do. Ford made a great product and we bought it.

There was a time on the floor of the Senate when Ford and other companies were in denial. It will never happen, they said. It is happening. America can change for the better with leadership.

I listened to the arguments from the Senate Republican leader today about the impact of change and the impact of doing something about carbon pollution on poor people and working families. I had to come to the floor. I listened to the plaintive pleas of the Republican leader to think about poor people working and the impact it has on them, and I kept remembering it is his political party that has opposed the increase in the minimum wage, an increase in the wage these poor people are earning. They oppose it, with one exception, maybe two. Their party opposes increasing the minimum wage and comes to the floor and says we can't do anything that could hurt poor working families.

First, let them join us in a bipartisan effort to raise the minimum wage. Secondly, I can report one thing that global warming and carbon pollution is producing today. It is producing the No. 1 complaint of children brought to the emergency rooms across America. What is the most common health problem bringing children to emergency rooms? Trauma? No. What is it? Asthma. I go to classrooms across my State, and I say to the children who are there: Hold up your hand if you know anyone who has asthma. Rural schools, urban schools, it is all the same. Hands go up across the classroom. These problems are created by the air we are forced to breathe. Are we going to do something about it? We should.

Our colleague Max Baucus from Montana recently took on the position as Ambassador to China. He and his wife were headed over and we said half jokingly: I hope the air is clean enough to breathe over there, because if you have been to China, you know it is a challenge every single day. Are we going to take a different approach in America? Are we going to set a different example in America when it comes to public health? This is our opportunity.

If we truly care about working families and their children, how can we ignore what is happening? As the air gets worse and carbon pollution increases and asthma increases, health care costs go up. Lives are compromised. I don't want to see that happen. So if we truly care about working families, care about their children and the health of their children. I might also add, care about providing these families with health insurance. Time and again the same party that came to the floor this morning, telling us about working people, has opposed our efforts to extend the protection of health insurance to working families.

Which State is one of the most successful States in the Union in signing up people when it comes to our new health insurance plan, the so-called ObamaCare? One of the most successful per capita States in the Nation happens to be the Commonwealth of Kentucky, represented by the Senator who just spoke on the other side of the aisle. Hundreds of thousands of people in Kentucky now have health insurance through the President's plan, including thousands under Medicaid.

So when we are talking about who is sensitive to the needs of working families, whether it is minimum wage or basic health insurance, I think our approach is one that has proven to be right. Over 6 million Americans have now signed up for health insurance. In my State of Illinois, over 100,000 in Cook County alone now have health insurance, and I have met some of them.

Roy Romanowski—a great Chicago name—Roy, a big barrel-chested Polish musician, was sitting next to me at a health care clinic and he said, Senator, never had health insurance in my life but have it now and patted his wallet. Now he is signed up for Medicaid. A low-income guy, takes jobs as they come along, he has health insurance—he is about 60 years old—and is happy to have it. So when we talk about standing up for working people, this is part of it.

Yes, it is a challenge when we face change. We are a coal-producing State in Illinois. We are going to have to sit down as a State and make a plan that is going to deal with reducing the pollution which is changing our planet. We can do it. I am sure we can, and America should lead the world.

How many times have our colleagues on the other side talked about exceptionalism; that America is such a different and great country. I don't quarrel with that. I don't want to be braggadocios about it, but I don't quarrel with it.

But when it comes to a challenge such as this, of cleaning up the environment, shouldn't America be a leader? Of course. That is what President Obama is asking us to do: State by State, figure out a plan that reduces carbon pollution, reduces the public health hazards children and families are facing because of the pollution, reduces the damage taking place to this environment that is changing the world we live in. That is what a leader does.

It is time for us to try to come together and work together to find a solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

CFTC NOMINATIONS

Ms. STABENOW. Mr. President, I thank our leader Senator DURBIN for speaking on a number of subjects that actually all add up to the fact that we believe every American ought to have a fair shot to make it, whether it is jobs in a new clean energy economy. When I think about the fact that we will not have a middle class, we will not have an economy unless we make things and grow things—and that is what we do in Michigan. I think about our new clean energy opportunities. There are 8,000 parts in a big wind turbine, and somebody has to make those parts. We can make those in Michigan. So when we talk about doing the right things so we can breathe the air and drink the water, it is also about creating new opportunities for good-paying jobs for people, and it is about making sure our economy works for everybody and that everybody has a fair shot. That is the best of America.

We have before us in the Senate three nominations for the Commodity Futures Trading Commission, and we will be voting on one of them in a few hours. They came out of the Agriculture Committee, which I am honored to chair, so I wish to speak about them for a moment.

This independent agency, the Commodity Futures Trading Commission, is entrusted with the important mission of protecting investors in the derivatives market from fraud, manipulation, and other abuses. That means farmers and ranchers. It means consumers. It means businesses, large and small. It means a way to create capital so it can be invested in new jobs.

The oversight of this agency is incredibly important. Given this responsibility, it is imperative that we select Commissioners who have demonstrated not only expertise in global financial markets but the integrity and the judgment necessary to lead the implementation reforms contained in the Dodd-Frank financial reform law. This

is a five-member Commission. Due to some changes and folks moving on in their careers, we have two members right now, one Democratic and one Republican. So we have a responsibility of now filling all five. We will have in front of us this week, at some point throughout the week, all three of the folks who came out of our committee.

We have three nominees before us who I think fit the requirement of having expertise, integrity, and judgment. The first is Republican nominee J. Christopher Giancarlo, and then we have two Democratic nominees, Tim Massad, who has been nominated to Chair the CFTC, and Sharon Bowen. All three are highly qualified nominees who were approved by the agriculture committee on a voice vote. Right now I will focus on Ms. Bowen, whom we will be voting on in just a little bit.

Within the Dodd-Frank Wall Street reforms, individual agencies were directed to establish an Office of Minority and Women Inclusion. This action was taken to address the lack of diversity of qualified men and women in Federal agencies involved in financial regulation but also subcontractors and contractors who receive billions of dollars from the government.

The CFTC itself should lead by example when it comes to diversity as well as expertise. So I am especially pleased President Obama selected Sharon Bowen as a nominee for the Commission. She will be the first African-American woman to serve on the CFTC and will be the only woman serving at this point in time on the five-member Commission. She has the expertise and experience to be an excellent Commissioner.

During her testimony before the Agriculture Committee, Ms. Bowen told of her upbringing as the youngest of five children in the small town of St. Julien's Creek in Virginia. During Ms. Bowen's youth, St. Julien's Creek was a segregated town, and her family had modest means, but these challenges forged her character. Ms. Bowen developed a knack for understanding the perspective of people who have a stake in public policy decisions but no voice in how those decisions are made.

This background has served her well throughout her years as an attorney. As a partner in the New York firm of Latham & Watkins, Ms. Bowen represented clients in a range of complex financial transactions. So her knowledge of derivatives and global markets is based on real-world experience.

She has been selected by one publication as one of America's top Black lawyers and chosen as the Lawyer of the Year by the Metropolitan Black Bar Association.

Recognizing Ms. Bowen's talents, President Obama nominated her to be vice chair, then acting chair of the Securities Investor Protection Corporation, a very important nonprofit which helps protect investors whose brokers have failed them. Ms. Bowen was confirmed by the Senate, at that time, unanimously, and I certainly hope that will happen again.

Sharon Bowen has worked tirelessly to fulfill what are called SIPC's mandates—the Securities Investor Protection Corporation—helping thousands of small investors faced with the failure of their brokerage firms. During Ms. Bowen's tenure on the board, SIPC has returned $24.5 billion to over 9,000 investors.

Despite all her accomplishments through the years, it was evident from Ms. Bowen's testimony in the agriculture committee that she remains grounded by a sensibility for how markets have effects far beyond investors. They affect each of us. They affect consumers, farmers, ranchers, manufacturers, and others who create jobs.

She recognizes the urgency of protecting these individuals from excessive speculation and manipulation. She told our committee:

> I understand the importance of being the voice of the under-represented and small business owners who have not had a seat at the table, as I do today.

The CFTC needs a Commissioner of Ms. Bowen's background and skill set. I urge all of my colleagues to join me in supporting Ms. Bowen's nomination and to quickly move forward with the nominations of Mr. Giancarlo and Mr. Massad, whom I will be speaking about more as their nominations come before us, so they can get to work protecting investors and every American who is vulnerable to abuses in the futures and swaps markets.

We need those markets to work, to create capital, and also to manage risk for those who are using the markets in order to be able to manage their own risk, and we need a full five-member CFTC of competent, qualified people in order to get that done. That is what we are doing today with the vote, and then, as we move forward this week, hopefully by the end of the week we will have the full complement of the CFTC in place.

Thank you, Mr. President.

I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

BOWEN NOMINATION

Mr. VITTER. Mr. President, I rise today in strong opposition to Sharon Bowen's nomination to be a Commissioner of the Commodity Futures Trading Commission. Frankly, it amazes me that we are here today discussing basically a possible promotion for Ms. Bowen. Given my experience with her in her current job as Acting Chair of the Securities Investor Protection Corporation—SIPC—and before that as Vice Chair, I can say quite frankly that she does not deserve any promotion because she has not successfully safeguarded consumers, which is her job, her mission. Instead, she has fought to safeguard Wall Street money from just compensation to the legitimate victims of the Allen Stanford $7.2 billion Ponzi scheme.

I have been involved in this Stanford issue for quite a while because it affects a lot of folks in Louisiana, but it affects a lot of folks in every State of the country as well. These folks first and foremost were victims of Allen Stanford and his completely fraudulent activity, his Ponzi scheme that literally defrauded hard-working Americans of $7.2 billion. But they were victimized again, quite frankly, by Federal agencies that didn't do their job—first by the SEC, which knew about this activity for 4 years before saying anything publicly, before warning anyone out there, before taking any action, and then by SIPC—including Sharon Bowen at SIPC—by refusing to take appropriate action for the victims and instead acting as if their job, their duty was to safeguard Wall Street money, not to properly compensate victims under the law.

If you read the letters and talk to the Stanford victims, as I have many times, it will just break your heart.

Charles Cook of Baton Rouge said:

> My family, along with thousands of others who placed their savings in licensed brokers' hands, now faces absolute financial ruin simply because our government and government-appointed regulators did not perform their jobs of protecting us. These savings include retirement accounts, trusts for chronically ill family members, college funds, and pension plans.

Byron Ratliff, also of Baton Rouge:

> Congress needs to be aware that the agency created by Congress to protect investors is using their fund to defy the federal government for the sake of denying protection to investors they helped defraud . . . We need your help now more than ever to block this ridiculous effort by SIPC. This is criminal.

Gilbert Gossen, also of Louisiana:

> Has it changed our lifestyle? Yes, tremendously. Not only my wife and I have been deprived of our lifetime savings, my five children who have worked alongside with us have been unfairly deprived of their inheritance.

Carolyn Smith in Baton Rouge goes to the core of the matter:

> I cannot believe this. This is killing me and my family.

Fraudulent schemes unfortunately go on all the time, but, again, what makes this so heartbreaking is the victimization upon victimization. First came the original fraud; then came the SEC, which saw this going on and did not act and did not give victims and potential victims any notice for 4 years; and then after the SEC acted, after the SEC ordered SIPC to compensate victims, SIPC—Sharon Bowen included—in an unprecedented move, refused to follow

that mandate by the SEC, requiring the SEC to sue SIPC, which is now tied up in court and continues to this day.

That gets us back to the issue at hand—Ms. Bowen. The name of her current employer is supposed to be about investor protection—the Securities Investor Protection Corporation, SIPC—but she and her colleagues have acted in the direction of Wall Street protection.

The fund is funded by companies that pay into it. They pay their dues to give potential investors peace of mind, and that confidence helps build a vibrant and positive marketplace. Make no mistake that those Wall Street member companies do not want SIPC to compensate these victims because they are worried that their dues will increase. Well, it is fine for them to have their concern; it is not fine for Sharon Bowen to make those concerns win out over the law and over the facts, to ignore a mandate from the SEC, and to not properly compensate the victims of the Stanford scandal.

If, after all of this, Congress gives Ms. Bowen a promotion, condones her actions here today, and votes to support her, that will be yet another slap in the face to these victims and an action that will certainly undermine investor confidence and encourage more to follow Ms. Bowen's career path and the way she ran the Security Investor Protection Commission by advancing themselves and member companies rather than the real mission of following the law and properly compensating victims.

This is not a partisan grudge match. This is not partisan at all. I am opposing Ms. Bowen's confirmation for one simple reason: I think she has proved that she is not qualified for the job based on her track record at SIPC as well as her performance at her confirmation hearing.

Let me underscore the way in which this is not partisan at all because there are many folks who have been following this Stanford case who are directly involved who have written to Senators on both sides of the aisle urging—urging in the strongest terms possible—opposition to this nomination.

Let's take a letter written by a self-proclaimed and lifelong Democrat from Ann Arbor, MI, a constituent of Senator STABENOW. Senator STABENOW is the chairman of the Senate agriculture committee. That certainly has a significant role in this nomination.

The letter says:

> I've been writing to you over the past days regarding the growing opposition to the nomination of Sharon Bowen to the CFTC. I am writing once more to stress that this is not merely an effort to block an Obama nominee. As a lifelong Democrat I would not get behind such an initiative if I thought that's what it was. Opposing Ms. Bowen's confirmation is not a partisan issue. Simply put, it makes no sense to appoint a regulator who is being sued by another regulator (SEC vs. SIPC)! In this climate of growing cynicism toward our financial regulators, can we really afford to put one more fox outside the hen house?

In a similar way, a constituent of Senator NELSON of Florida wrote Senator NELSON and said:

> We hope you will vote AGAINST confirming Ms. Bowen as a CFTC Commissioner as she does not support protecting investors. Sharon Bowen's loyalty to Wall Street instead of hard-working people like us has devastated our lives because her actions resulted in us not being able to recover our savings.

A constituent of Senator PRYOR's wrote him in a similar vein:

> Based on the facts set forth below, I certainly hope you will vote against confirming Ms. Bowen as a CFTC Commissioner in order to protect the investors who rely on the CFTC's regulatory supervision.

In a similar way, Madoff victims have also weighed strongly into this matter. They have written their Senators urging them to oppose the Bowen nomination.

One Madoff victim wrote:

> SIPC Chairwoman Sharon Bowen is neither a qualified nor appropriate nominee for the all-important Commodity Futures Trading Commission. As a SIPC board member, SIPC Chairwoman and an attorney representing members of the financial industry, Ms. Bowen has demonstrated repeatedly that her interest is in protecting Wall Street's interests.

Again, frauds happen all the time. It is always tragic, but it does happen. What makes this case so ''tripley'' tragic is that the victims of the original Allen Stanford fraud were victimized again by failed bureaucracies and regulators who failed to do their jobs and continued to fail to carry out their true mandate of protecting investors.

First, the SEC dragged its feet and took way too long to take any action in this matter or to give anyone in the real world notice of what was clearly happening in the Stanford case—4-plus years—and then the SEC finally acted and agreed that these victims required compensation under the law. They told SIPC to set about giving them this compensation, and in a completely unprecedented way, never before and never since, Sharon Bowen of SIPC said: No. We are not doing what the SEC has told us to do. We are refusing to do that.

They had to be sued by the SEC, and that legal matter is still tangled up in court with the victims of the Stanford mess, and they still have not gotten any compensation.

We can't prevent every bad thing from happening in the world, but surely we can ensure that agencies in Washington and regulatory bodies do their jobs, follow their mandates and their missions and work for investors and citizens and not be captured by narrow interests—in this case, Wall Street interests. Surely we can do that, and that, ultimately, is what this vote is all about. Are we going to do that or are we going to promote someone who has failed at her current job? Are we going to promote someone who has proved in her current job that she does not have the right mindset, the right understanding of a pro-investor, pro-consumer mission to handle that job or any other?

I urge all of my colleagues, Republicans and Democrats—and there is nothing partisan about this—to oppose this Sharon Bowen nomination. The victims of the Stanford scandal need some justice. They need to see that someone cares and that someone is fighting on their behalf. The victims of the Madoff scandal need exactly the same and feel exactly the same way.

Please oppose this nomination. Please vote for those consumers, those Americans, and those investors. Please vote to begin to right the ship and fix the regulatory system.

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.

Mr. THUNE. Mr. President, is the Senate in a quorum call?

The PRESIDING OFFICER (Mr. SCHATZ). Yes.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak for up to 12 minutes in morning business.

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

ENERGY TAX

Mr. THUNE. Mr. President, everywhere middle-class Americans look, they are facing higher prices. Over the past 5½ years of the Obama Presidency, the price of everything—from milk to the refrigerator to put it in—has risen. Tuition costs have soared, gas prices have almost doubled, food prices have shot up, and then, of course, there is health care. The President claimed that health care premiums would fall by $2,500 under his health care law. Instead, they have risen by almost $3,700 during the President's administration, and they are still going up. The President's health care law has driven up the price of almost every aspect of health care, from premiums to pacemakers.

Americans are ill-equipped to meet these higher costs. Household income has declined by more than $3,500 on the President's watch. Nearly 10 million Americans are unemployed, more than one-third of them for 6 months or longer, and 19.4 million Americans have been forced to join the food stamp program since the President took office.

Our economy is simply not posting the kind of growth we need to open opportunities for middle-class families. Economic growth actually declined last quarter, and job creation is sluggish at best. Furthermore, the jobs we are creating are not the kinds of jobs Americans need to get ahead. Seventy-eight percent of the jobs that were lost during the recession were high- or mid-wage jobs, but just 56 percent of the jobs recovered have been the same.

That means almost half of the jobs we are creating are low-wage jobs—not the kind that will get Americans to a more secure financial future.

Americans have had a tough time over the past 5½ years, and if the President has his way, it is about to get much worse. This week the President's Environmental Protection Agency announced a national energy tax that will drive up Americans' energy bills and destroy jobs while essentially doing nothing for the environment.

Coal is responsible for approximately 40 percent of our country's energy production and is a significant part of the economies of several States. Currently, there are nearly 560 coal-fired powerplants in the United States, but if the administration's new greenhouse gas regulations go into effect, a majority of them will close and no new plants will be built. That means energy companies are going to have to scramble for new sources of energy. With utilities faced with fewer and more expensive sources of energy, electricity rates will soar to unprecedented levels, and that will leave millions of Americans struggling to afford their energy bills.

What the administration has proposed this week is nothing short—make no mistake about it—of a national energy tax, and it will hit low-income families and seniors who live on fixed incomes and already devote a large share of their income to the electricity bills the hardest. In my home State of South Dakota, low-income families already spend almost a quarter of their income on energy bills. There is no way they can afford to spend hundreds more to pay for President Obama's national energy tax—that is, of course, if they can even get electricity.

The polar vortex that covered large portions of the United States with extreme cold and snow this past winter pushed the electricity grid to its limits. The Chairman of the Federal Regulatory Commission described the grid as ''close to the edge,'' with coal-fired powerplants running at 90 percent capacity to keep houses warm during a historically cold winter. These are the very plants that are being targeted by this administration. Closing these powerplants, which provide affordable power throughout the year, will severely jeopardize our ability to produce reliable electricity and heat during times of peak power demand. This will be particularly dangerous in winter months when an overstressed grid could leave thousands of Americans without a source of heat for their homes.

Driving up energy bills and compromising the energy grid would be sufficient reason to reject the President's new carbon dioxide regulations, but that is not all these regulations will do. The President's new regulations will also destroy tens of thousands and possibly hundreds of thousands of jobs.

First, of course, there are the thousands of Americans who will lose their jobs when the coal-fired plants that they work for close their doors. Then there are the manufacturing jobs that will be lost if these regulations go into effect. U.S. manufacturing is currently enjoying a renaissance thanks to the abundant, affordable energy the United States offers. Manufacturers are actually moving production from overseas to the United States and investing billions of dollars in our economy in the process. But if we drive up the cost of energy here at home, manufacturers will no longer have the same incentive to locate jobs here in America. Instead, manufacturers will send jobs overseas.

Given the terrible costs of these regulations, one would assume that the payoff would be huge—a drastic reduction in global carbon dioxide concentration levels.

The truth is the President is proposing to devastate American families and destroy our economy for nothing, because the President's proposals would have essentially no impact—no impact—on the concentration of carbon dioxide in our atmosphere. Even the President's own former EPA Administrator admitted: ''U.S. action alone will not impact world CO_2 levels.''

The truth is, as long as the United States is acting unilaterally, global emissions will not be reduced in any meaningful way. In fact, the President's proposals could actually drive up emissions in other countries as manufacturers send jobs from the United States to some of the world's top polluters such as India and China.

Manufacturers in the United States are already reducing emissions. U.S. manufacturing and other industrial carbon dioxide emissions are down 13 percent since 2005. In the meantime, however, China's CO_2 emissions have grown by 69 percent, while India's have grown by 53 percent.

After 5½ years of the Obama economy, Americans are struggling—struggling to pay for health care, for college tuition, for food, and for gas—and they are wondering where the promised recovery is and how long they are going to have to live paycheck to paycheck, praying they can afford unexpected bills. Too many of them are wondering if they will be able to find a job to replace the one they lost. Others are wondering if they ever will find the better paying job they have been waiting for.

Now the President is prepared to hike electricity prices for every one of these Americans. Worse, he is prepared to eliminate thousands of their jobs. For what? For a significant reduction in global carbon dioxide concentration levels? No. He is prepared to damage their budgets and destroy their jobs just so they can appear to be doing something about global warming. He is willing to overlook the economic havoc these regulations will create as long as his extreme environmental base is content.

News reports have suggested the President has backed these new carbon regulations because he believes they will be an impressive addition to his legacy. I wish to suggest that the record of lost jobs and struggling families is not the kind of legacy the President would want to leave.

I hope in the coming days we will hear from the President's party on this issue. I challenge my Democratic colleagues in the Senate to stand and tell the American people where they stand. Do they stand with American jobs and American families or do they stand with their party's environmental fringe?

The American people deserve to know. Their jobs, their standard of living, and their future hang in the balance.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF KEITH M. HARPER FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE U.N. HUMAN RIGHTS COUNCIL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled in the usual form.

Who yields time?

If no one yields time, the time will be charged equally to both sides.

The Senator from Maine.

Mr. KING. Mr. President, I ask unanimous consent to address the Senate for approximately 10 minutes as in morning business.

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

MARKETS TRANSPARENCY

Mr. KING. Mr. President, I believe in markets and I believe in transparency, and that is what I wish to speak about today. I think markets generally are the best allocators of goods and services, but in order for markets to work, people who purchase—consumers—need information. I wish to address one small piece of a very important market today.

I serve on the Budget Committee of this body and as such I have had an opportunity to look at not only the current budget but projections of future

budgets. I think it is important to emphasize that virtually all the growth—all the growth—in future Federal budgets is attributable to health care—all the growth. It is not Pell grants, it is not national parks, it is not national defense, it is not the National Security Agency; it is all in health care.

There are several ways we can control those costs. One way which has been suggested is to simply shift those costs off to other people—to the States, to the elderly, to other citizens—and say it is not the Federal Government's problem; it is someone else's problem. I would suggest that is not the answer. We need to be focused on the issue of health care costs generally, for everyone—for the Federal Government as a consumer, as it is in Medicare and Medicaid, but also for all of us as health care consumers across the country.

The standard response around here to growing health care costs is to cut programs, cut recipients, reduce payments to States, or reduce payments to providers. That does nothing about the fundamental issue. I can tell my colleagues that none of these steps has anything to do with reducing the demand for services or the costs of those services. We have to spend the money we have more responsibly.

There have been discussions recently about repealing the medical device tax which was passed as part of the Affordable Care Act. The theory, by the way, was that the Affordable Care Act would produce, as it has, millions of new customers for the private insurance industry as well as for all of those who participate in the health care system, including those who manufacture medical devices. The Affordable Care Act has produced new customers. And the theory, as I understand it, because I wasn't here when the bill was originally passed, was the industry—the businesses that will profit by the production of new customers through new people gaining insurance who never had it before—was that part of that would be paid back to support the overall system. That was the idea of the tax on medical devices. I realize the medical device tax is a controversial tax and that strong arguments can be made that it should be modified or reduced. But the repeal of the medical device tax would cost the government $29 billion over the next 10 years. That is money, as we all know, that has to be replaced somewhere else. So I think that is a consideration that has to be taken into account as we discuss this matter which is under consideration as part of the tax extenders package.

As I looked into this issue and thought about the medical device industry, I was surprised to find it is very difficult to find out the price of an implantable medical device. One of the reasons is that the hospitals, which are the purchasers of these devices, are often prevented by agreements with the medical device company from revealing the price they pay. In other words, there is no transparency about the prices of these devices which find their way into the cost of everybody's health care.

Imagine for a moment going to buy a new car and there is no advertising about the prices of the cars. We couldn't go on the Internet and determine the prices of the cars. We couldn't compare the prices of the cars from one dealer to the other. But we go in and somebody behind a closed door says, OK, the price is $20,200, and we are not allowed to tell anybody the price we are paying for this car, and we have to sign an agreement that we are keeping that price secret. Imagine that system, and imagine for a moment what would happen to the price of cars. I don't think it is gross speculation to assume that the price would go up, because there is no transparency.

I have filed amendment No. 3802 to H.R. 3474, which is the tax extenders bill that is pending. It simply says that when a medical device is being sold, the manufacturer cannot impose a secrecy provision on the hospitals that purchase these devices, and they also have to report median prices to the Secretary of Health and Human Services on a regular basis.

In 2012, the GAO did a report on Medicare and one of the pieces of the report was titled ''Lack of Price Transparency May Hamper Hospitals' Ability to Be Prudent Purchasers of Implantable Medical Devices''—a long title, but the conclusion is contained in the title: ''may hamper hospitals' ability to be prudent purchasers.'' Well, if hospitals can't be prudent purchasers, we who are paying the bills, quite often through Medicare and Medicaid, are not able to get the best prices. Who pays? All of us pay.

This amendment would prohibit medical device manufacturers from requiring hospitals and buyers to sign purchasing agreements that contain confidentiality clauses that would restrict them from revealing the prices paid for medical devices to third parties. In addition, as I mentioned, the amendment would require these manufacturers to submit the average and median sales prices of covered devices to the Secretary of Health and Human Services on a quarterly basis.

In 2007, my good friend Senator GRASSLEY from Iowa sponsored a bipartisan bill to create a process of reporting this kind of price data to HHS, and I believe it is time to do just that.

To the extent that prices of implantable medical devices, which are very expensive generally, are not disclosed, the ability of hospitals to bring price information to bear in negotiations and decisions is clearly limited. I believe if we are going to talk about repealing a medical device tax, we should also talk about calling upon the industry to provide to consumers and policymakers greater transparency in order to better control costs.

In a world of limited resources, we have to spend the money we have most wisely. It is very difficult to spend money wisely if prices and comparative prices and prices of the various components of the health care system are essentially kept secret.

This is a simple amendment. It is simply based upon the fundamental idea that markets work, but they only work when consumers—in this case, hospitals—have the information necessary to make good purchasing decisions. I think markets, as I said at the beginning, are the best way to allocate goods and services, but that information is necessary for markets to work, and that is the purpose of this amendment.

Mr. President, I ask unanimous consent that all time between now and 12 noon during quorum calls be equally divided.

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

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

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

SPEAK UP ACT

Mr. CASEY. Mr. President, I rise this morning just before the noon hour to talk about our children, a topic which does not get nearly enough attention in Washington. I will try to focus on just one issue. Both parties in this body and in the other body indicate, on a pretty frequent basis, that they are in favor of supporting strategies to protect and to help our children, but not enough attention is paid to what that strategy should be and what the elements of it should be.

I believe it should at least have four major components. One is to make sure children have every opportunity for more early learning. In addition, we need to make sure more children are covered by health insurance and get quality health care. We made a lot of strides in that in the last couple of decades, but we still have a ways to go.

We need to make sure children are protected, an issue I will speak about today in particular. Obviously, we want to put in place better strategies to make sure children have enough to eat and are eating food that is nutritious. So today I will focus on the question of protection.

We know that as we head into the last couple of days of the school year, children are starting to look forward to summer activities such as camp and summer sports and other activities. That is the good news. The bad news is that can create opportunities for people who would do them harm. It is important to reiterate the responsibility adults have generally but in particular at this time of the year.

Adults have an abiding responsibility to protect children from harm and to speak up, literally to speak up when

they suspect a child is a victim of abuse or neglect. We know many cases of abuse and neglect go unreported, sometimes for years, sometimes even until a child has died or suffered other terrible consequences as a result of years of neglect or abuse.

For example, in 2012, in Pennsylvania there were 3,565 substantiated reports of child abuse and neglect. Across the Nation, 678,047 children were victims of abuse and neglect in the country as a whole, although I think it is important to point out the number I read from Pennsylvania: 3,565 substantiated reports of child abuse and neglect.

That means two things: It was reported, and we know the overwhelming number do not get reported. So even among the category of those that were reported, they had to be substantiated reports of abuse and neglect. I believe if we had just a broad category of children in our State—and it is true of a lot of other States as well—who are the victims of abuse and neglect, it would far exceed 3,565 cases, but that number alone is horrific and should cause us to do a lot more than we are doing, not just in Pennsylvania but around the country. We saw in Pennsylvania a horrific example. Many people read the news about Penn State over the last couple of years. In that case, children were being abused by an individual they were supposed to be able to trust, an authority figure and other authority figures who did little about reporting it.

We know there is a significant variation across the country in the types or categories of adults who are required by law to report suspected or known child abuse and neglect. Not all States require, for example, camp counselors to be so-called mandated reporters under the law, meaning an adult who has a legal duty by statute to report on child abuse or suspected child abuse. Some States have a long list of categories, some States have shorter lists. We know not all States require camp counselors or even coaches to report instances. So we need to do something about that. That is why I have introduced legislation to directly address it.

The Speak Up to Protect Every Abused Kid Act, which is more simply known as the Speak Up Act, would require all States to pass and enforce a law requiring adults with a professional responsibility to children to report instances of known or suspected child abuse in order for States to receive funding through the Child Abuse Prevention and Treatment Act, the so-called CAPTA legislation, the Federal statute that focuses on child abuse and neglect prevention and response.

So if they are going to have the benefit of those Federal dollars, they have to do more to protect children. That is what we are saying to States. The legislation will close a loophole that allows abusers to get away with heinous crimes and emphasize the responsibility of all adults to protect children from abuse and neglect.

States have a wide variety of standards, as I mentioned, for whom they designate as so-called mandated reporters. Some States require all medical professionals to be mandated reporters. Others only specify certain types of health care providers. Under the Speak Up Act, States would have to require all of these adults to be mandated reporters or forfeit their Federal funding under the so-called CAPTA Act, the Child Abuse and Prevention Treatment Act.

The Speak Up Act also requires that these mandated reporters give their reports directly to State authorities responsible for investigating child abuse and neglect. In some States, and in Pennsylvania I am pleased to report, there is a unified system of reporting, which is called the ChildLine, that accepts all reports. In this case, in Pennsylvania, one could call an 800 number and report child abuse and neglect.

I have asked myself—and I am not sure we will ever get the answer to this—what if—not only in a random set of cases but in the case of Penn State—one adult or more than one adult had called an 800 number early in the case history, even with a suspicion, reason, or grounded in fact, but a suspicion or direct evidence of child abuse? What if they had called that number. Could children have been protected; could child abuse have been prevented?

I don't know the answer, but I think if more people use that kind of method, they might be able to prevent a lot more cases of abuse.

Other States may require reporting to law enforcement or so-called child protective agencies.

Finally, the act itself, the Speak Up Act, closes a loophole in an existing law that can leave children in danger because their abuser is from another State or because a child was visiting another State when he or she was abused.

In the summer this becomes especially relevant when children may be attending camps where they are not just going back and forth to camp—a camp where they stay overnight, night after night, or other programs where they might have access to or be enrolled in, I should say, another State. Under the Speak Up Act, we make it clear that the State where the incident occurred has the obligation to investigate the incident, and other States must help if necessary. So that gives a further protection to children that is not in the law today.

The legislation in the Speak Up Act will provide as well standard reporting requirements across all States while still allowing States to go beyond what is required if they seek to do that.

I don't know why we don't have this in law already. Why should we have a variety of measures in place to protect children? We should standardize that. Every State should meet a certain minimum standard when it comes to protecting children. If States want to add people to their mandated reporter list, require more adults or more categories of adults to be listed, then they could do that, but there should be a standard reporting requirement across the country.

So as we begin the summer, I urge adults who work with children to remember their responsibility to speak up and to act to protect children, to make sure they know how to report abuse and neglect, if necessary.

If you are in that category of mandated reporters already, you obviously not only have a legal duty to report, but I think you have a responsibility to find out today how you report, what method will you employ, what resource will you access to report instances of child abuse or suspected child abuse. But even if you are not sure you are in that category of mandated reporter, if you are an adult and you have an obligation to or your job entails working with children, I believe you have an obligation to find out not only when you are a mandated reporter but how you can report suspected cases of abuse and neglect.

Of course, if you are an adult, it may not be legally required. It doesn't, of course, foreclose the possibility that you could and should report instances of abuse and neglect, even if you don't have a legal duty.

I believe every adult has some kind of duty—maybe not in law but certainly a duty as a citizen and as an adult—to be vigilant, to keep your eyes open, and to focus your attention on protecting children. We all have an abiding obligation.

This is a time of the year when children have a lot of time away from school, and they have a lot of enjoyment in the summer. We should make sure we are being very vigilant, though, at this time of the year to speak up and to protect our children.

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

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

BOWEN NOMINATION

Ms. STABENOW. I will take just a moment. Our colleague from Louisiana was on the floor a while ago referring to one of the nominees we will have coming up for a cloture vote in a moment to the Commodities Futures Trading Commission, which is so significant.

I want to correct a few things in the record for my colleagues and first remind everyone that Ms. Bowen, who will be the nominee in front of us, was unanimously confirmed by the Senate to be a director of the Securities Investor Protection Corporation, where she has honorably served, after 25 years of representing clients in complex financial transactions as a partner of a major international firm.

The issue that has been raised on the floor relates to a decision that was made unanimously by the board she

chairs that relates to a particular case where there is no question that there were citizens who were ripped off in a Ponzi scheme, the Stanford Ponzi scheme, in fact.

The question that came before this board that covers certain kinds of losses is whether what happened is something that could be covered under this particular entity, the Securities Investor Protection Corporation.

Based on legal advice, outside counsel, and review, the board unanimously looked at this and said, unfortunately, due to law—which was written by Congress—this particular board could not cover the fraud victims in this particular case.

This subsequently went to the Federal District Court for the District of Columbia, which concluded the current law does not authorize SIPC to cover these particular fraud victims. This has now gone on to the Court of Appeals.

SIPC and Ms. Bowen have indicated that if the Court of Appeals rules in favor of the victims, they are more than happy to include them and to reimburse them for the terrible situation they all found themselves in. This is a legal question of whether this particular fund is allowed to reimburse these particular victims of fraud. There have been over 9,000 victims who have been reimbursed through this fund in a lot of different situations, but it is a legal question.

The way this has been interpreted by our colleague from Louisiana—that somehow this is something personal that Ms. Bowen is involved in to try to stop these people, these victims, from being able to be reimbursed and made whole—is absolutely false. Again, this is an issue in the court. If the court rules in favor of those who were victims of this Ponzi scheme, then the group, the agency, the Securities Investor Protection Corporation, has indicated they will move forward and include them under the scope of their responsibility for reimbursement.

Certainly what happened to people in this situation is terrible. I understand their concerns and wanting to find a way to be able to be made whole. But this is a legal question that was unanimously decided by a board of directors, of which Ms. Bowen is now the chair, it was recommended by outside counsel, and it was also something that was upheld by the Federal district court. It is now in the Court of Appeals. If the Court of Appeals changes and reverses the lower court, then they will act accordingly.

We should not have the situation where a very qualified member and nominee for this very important oversight agency, the futures industry, would be held responsible or somehow be caught up in the politics. I appreciate the legitimate concerns, but to lay those at the feet of this woman, at this point, simply is not fair.

Again, she was, on her qualifications, unanimously confirmed by the Senate once already, and I would urge colleagues to join together to support moving forward on this nomination with the cloture vote and ultimately to support her.

She has strong support throughout the country, is known for standing up for victims, and will play a very important role and be a very important voice going forward with the Commodities Futures Trading Commission.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Vermont.

Mr. LEAHY. Madam President, what is the regular order?

The PRESIDING OFFICER. The time until noon is equally divided on the Harper nomination.

Mr. LEAHY. Has that time expired?

The PRESIDING OFFICER. The hour of 12 noon having arrived, all postcloture time is expired.

The question is, Will the Senate advise and consent to the nomination of Keith M. Harper, of Maryland, for the rank of Ambassador during his tenure of service as United States Representative to the U.N. Human Rights Council.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Colorado (Mr. UDALL), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted ''nay.''

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—52

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

NAYS—42

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

NOT VOTING—6

Booker	Cochran	Rockefeller
Boozman	Lee	Udall (CO)

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill 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 Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

Harry Reid, Debbie Stabenow, Richard J. Durbin, Barbara Boxer, Michael F. Bennet, Benjamin L. Cardin, Ron Wyden, Joe Donnelly, Christopher A. Coons, Mark Begich, Tim Kaine, Robert P. Casey, Jr., Sherrod Brown, Patrick J. Leahy, Tom Harkin, Angus S. King, Jr., Amy Klobuchar.

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

The question is, Is it the sense of the Senate that the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018, 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 New Jersey (Mr. BOOKER), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted ''nay.''

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

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—50

Baldwin	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Blumenthal	Coons	Harkin
Boxer	Donnelly	Heinrich
Brown	Durbin	Heitkamp
Cantwell	Feinstein	Hirono

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

NAYS—44

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

NOT VOTING—6

Booker	Cochran	Rockefeller
Boozman	Lee	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 44. The motion is agreed to.

NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will be up to 8 hours of postcloture consideration of the nomination, equally divided in the usual form.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that with respect to the Harper nomination the motion to reconsider be considered made and laid upon the table and President Obama be immediately notified of the Senate's action.

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

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the time following the scheduled recess until 4 p.m. be equally divided and controlled between the two leaders or their designees, and at 4 p.m. all postcloture time be expired and the Senate proceed to vote on confirmation of Calendar No. 755, Bowen; that following disposition of Calendar No. 755, the Senate proceed to vote on cloture on Calendar Nos. 691, Mastroianni; 692, Hendricks; 733, Chutkan in the order listed; further, that if cloture is invoked on any nomination, then, on Wednesday, June 4, 2014, at 11 a.m., all postcloture time on the nominations be expired and the Senate proceed to vote on confirmation of the nominations in the order listed; further, that following these votes, the Senate proceed to vote on cloture on Calendar No. 798, Burwell; further, that there be 2 minutes for debate prior to each of these votes, equally divided in the usual form; that any rollcall votes, following the first in each series, be 10 minutes in length; that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD and that the President be immediately notified of the Senate's action.

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

Mr. REID. Madam President, with this agreement we will have four rollcall votes today at 4 p.m. and as many as four rollcall votes on Wednesday at 11 a.m.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

NOMINATION OF SHARON Y. BOWEN TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided between the two leaders or their designees.

Who yields time? If neither side yields time, all time will be equally charged.

Mr. CORNYN. Mr. President, we are not in a quorum call, are we?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator is correct.

EPA RULE

Mr. CORNYN. Mr. President, 17 years ago the Senate voted on something called a sense-of-the-Senate resolution designed to protect American workers and their families from misguided policy with regard to CO_2 regulations. Of course, CO_2, or carbon dioxide, is a necessary element of life, and plant life depends on CO_2 for photosynthesis, which helps make them green. To hear some of the psuedoscientists talk about CO_2 here in Washington, you would think it was poison. Suffice it to say, 17 years later the Obama administration is trying to enact similar legislation that was rejected 17 years ago by the Senate in that sense-of-the-Senate resolution.

Back in 1997 Members of the Senate were concerned that the Clinton administration might sign a global climate change treaty that imposed higher costs on the United States while exempting developing countries such as China or India. These concerns turned out to be well-founded. The Clinton administration did indeed sign such a treaty known as the Kyoto Protocol in December of that year, but it never got around to having it ratified here in the Senate largely because of a unanimous resolution this Chamber passed several months earlier.

The sense-of-the-Senate resolution I alluded to a moment ago was voted on in July 1997, and it received 95 votes in favor and 0 votes opposed. Ninety-five Senators expressed their opposition to any climate change agreement that would result in serious harm to the economy of the United States. They also rejected any agreement that failed to include other countries, and that is for good reasons I will explain in a moment.

The message sent by these 95 Senators—a unanimous vote in the Senate—is pretty clear. It makes absolutely no sense for America to adopt job-killing carbon regulations while CO_2 emissions from developing countries continue to skyrocket and are not subjected to the same restrictions.

Don't just take my word for it. Listen to what one of the most prominent supporters of the 1997 resolution, Secretary of State John Kerry—at the time he was the junior Senator of Massachusetts—had to say:

> It's just common sense that if you are really going to do something to effect global climate change, and you are going to do it in a fair-minded way . . . we need to have an agreement that does not leave enormous components of the world's contributors and future contributors of this problem out of the solution.

In effect, what he was saying was: Why would America do this to itself and throw a wet blanket on job creation and economic growth when other countries were going to continue to produce CO_2 unabated?

One of the cosponsors of this resolution was the late Democratic Senator Robert Byrd. The Presiding Officer knows Senator Byrd and his legacy very well. While explaining his opposition to the Kyoto-style climate deals, Senator Byrd said:

> I don't think the Senate should support a treaty that requires only half of the world . . . to endure the economic costs of reducing emissions while developing countries are free to pollute the atmosphere, and in so doing, siphon off American industries.

Another cosponsor was Secretary of Defense Chuck Hagel, who was then the junior Senator from Nebraska. He described the likely consequences of Kyoto-style agreements in these terms:

> As industries flee the United States and other industrialized countries, they would re-establish themselves in developing countries that have much weaker environmental standards than our own.

I have just one more point about the Kyoto Protocol, which was unanimously voted down, in essence, 17 years ago.

A year after that, in 1998, there was a then-unknown Illinois State senator who voted on legislation that denounced Kyoto and prohibited State regulation of greenhouse gases in Illinois. If you guessed it was Barack Obama, you would be right.

One of the State senators voting in favor of the bill, condemning Kyoto, and banning State regulations of greenhouse gases in Illinois was Barack Obama. President Obama voted for legislation that explicitly rejected the type of CO_2 regulations that he is now trying to impose on the entire U.S. economy.

Yesterday I discussed some of the costs of those regulations, how enormous they would be, and how they would disproportionately fall on the poor and middle class in our country. The truth is most of the burden of higher energy costs would fall on retired people, seniors, and people on a fixed income.

In my State our electricity capacity is regularly strained due to the hot August summers. People in my State depend on their air conditioners for safety. The threat of limited access to electricity, or higher costs that people can't afford, literally threatens their health and safety, and certainly their welfare. Lost jobs, lost wages, higher utility rates, and tighter family budgets are the inevitable consequences of this proposed EPA rule that was announced late last week.

For that matter, the EPA has also proposed another rule on new powerplants that would impede technological innovation. Several of my Democratic colleagues expressed their deep concern about the additional EPA rule in a recent letter to the President. These seven Democrats noted that ''American technology providers would be incentivized to stop research and innovation in coal combustion, further delaying domestic development of pioneering new technologies that could be exported to improve plants around the world.''

Earlier today one of these Democrats who signed the letter, and happens to be the Presiding Officer at this time, said the Obama administration was ''working against us'' on CO_2 regulations, and he described the EPA proposals as ''unreasonable and unacceptable.'' This is obviously not a partisan issue by any means.

Any regulation that is this costly is almost impossible to justify unless it was to have clear benefits that outweighed those costs. President Obama's EPA rule can't lay claim to having enormous benefits in spite of these huge costs.

Even if you agree with my friends about the long-term risks posed by rising CO_2 emissions, and that this sort of regulation is justified, the projected growth of global emissions over the coming decades has almost nothing to do with America and almost everything to do with developing countries such as China and India.

Indeed, our emissions have gone down over recent history. Some of that has been due to the renaissance of natural gas, which burns cleaner. But the fact is that anything we would do would be confined to the United States and our economy and would have no impact whatsoever on developing countries such as China and India. Indeed, China—by a very wide margin—is already the planet's largest CO_2 emitter. The U.S. Government estimates that China alone will account for nearly half of all growth in worldwide emissions between 2010 and 2040.

In short, nothing America does by itself or to itself will stop global emissions from rising. In fact, even if we could magically reduce our own emissions to zero over the next quarter century, worldwide emissions would still increase significantly without major reductions in China, India, and other developing countries.

Yet, despite all these costs to American workers and American families—literally a threat due to the lack of grid capacity in places such as Texas because of high-priced energy—President Obama is moving ahead with this massive new energy tax that is effectively, in the words of our colleague from Louisiana, all pain and no gain, and he is right.

To put this in context, I think it is important that anyone who happens to be listening understands a few points.

No. 1, regardless of what the President calls it, the proposed EPA rule is indeed a massive new national energy tax, one that will affect all workers, all consumers, and all families in America.

No. 2, the reason it is being enacted via the regulatory process is because Members of the Senate rejected it 4 years ago at a time when even our Democratic colleagues had a supermajority. In other words, they could have done it when they wanted to when the Senate controlled the White House and both Chambers of Congress, but they chose not to do it then.

No. 3, it fits with a broader and deeply disturbing matter. Time and time again, the President has used unelected bureaucrats to skirt the normal legislative progress and override the will of Congress and avoid any kind of electoral accountability.

The point is this: When the President, who is not going to stand for election again, gets the Environmental Protection Agency to issue regulations, those bureaucrats don't run for election. The American people—my constituents in Texas and the Presiding Officer's constituents in West Virginia—can't vote the rascals out of office, so there is no accountability in the system. That is what the President was bragging about when he said: I have a phone, and I have a pen. He was effectively saying he was going to do it alone, and that is what he is trying to do here.

The result has been a misguided explosion of burdensome and onerous regulations, and those have a cost to our economy. The last quarter—the last 3 months of the year—we learned that instead of the economy growing in a way that will create more jobs and reduce unemployment, the economy actually contracted. It shrank by a full percentage point. One of the reasons why the economy shrank is because of overly burdensome regulations where there is no cost-benefit analysis, much less any cost-benefit calculus whatsoever.

According to one estimate, between 2009 and 2013, Federal regulatory costs increased by nearly $500 billion—a truly astonishing figure. Not only have these regulations proven to be onerous and unwieldy, they have been implemented by agencies that are hopelessly incompetent at handling even basic responsibilities.

As my friend the junior Senator from Oklahoma said a few years ago:

> It is absurd to allow an agency as incompetent as the EPA to exercise vast new powers when they can't manage less complex tasks. If the EPA can't train 250,000 contractors to manage lead paint rules . . . why should we expect them to regulate the energy-consuming processes used in every sector of the economy?

If this competence question of a huge bureaucracy sounds familiar, I think we are now learning that when the hubris overcomes the good judgment of leaders here in Washington and decides to take over one-sixth of the economy, which is our health care sector, you get ObamaCare and the disaster that has proven to be in terms of its implementation.

None of the essential promises that were made about how it would actually work have been kept. In other words, if you like what you have, you can keep it, the price would go down $2,500 for a family of four, and, yes, you can keep your doctor. None of those promises have proven to be true. Yet those were the promises upon which ObamaCare was passed. Now we see the administration make additional extravagant promises that can only be borne out of hubris based on what we have seen as the implementation of ObamaCare.

Not only have these regulations proved to be onerous, they are not going to work the way the administration predicts, except we are pretty sure it will kill jobs and reduce economic growth and further extend this lengthy recession which has been the slowest economic recovery in America since the Great Depression.

At a time of mass unemployment and historically low levels of labor force participation, America needs an energy policy that is projobs and proworker and profamily. This new EPA rule is the opposite of that. It would destroy jobs, it would hurt workers, and it would hurt consumers because it would raise the cost of living for middle-class families, including people on fixed incomes such as seniors. The fact that such a regulation is even being considered not in Congress but in the executive branch agencies such as the EPA, amid the weakest economic recovery since the Great Depression, illustrates once again how misguided this administration's priorities truly are.

I wish to clarify once again that the debate over President Obama's EPA

rule is not about the science of climate change; it is a debate about whether massive regulations should be forced to pass a simple cost-benefit analysis. The EPA rule clearly fails that test.

For all of those reasons and plenty more, we will be continuing to urge President Obama, from this side of the aisle but in a bipartisan way, to put jobs and families ahead of politics and ideology.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PORTMAN. I ask unanimous consent to speak for 9 minutes.

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

BURWELL NOMINATION

Mr. PORTMAN. Mr. President, I appreciate the Presiding Officer allowing me to speak this afternoon. I am speaking in the context of a nomination we are likely to consider on the floor this week. I am told on Thursday we are going to be asked to confirm the President's nomination of Sylvia Burwell to be the next Secretary of Health and Human Services.

This is a very important job for a number of reasons. One reason is it is the job in charge of implementing the Affordable Care Act, otherwise known as ObamaCare. Therefore, I think it is an appropriate time to talk about the urgent need for us to address some of the continuing problems we have had with implementation.

This whole subject of ObamaCare of course has divided this Chamber pretty sharply over the last few years. Part of the reason is it was forced through the Congress without a single bipartisan vote; in other words, all Democratic votes and not a single Republican vote. Also, it was pushed through quickly, so it resulted in a lot of problems. We have seen that in terms of the implementation of ObamaCare generally, including some of the computer problems and some of the concerns people have about having their health care canceled and so on.

I wish to speak about a specific issue with regard to implementation, one on which I hope we could be together, that this issue would unite us as Republicans and Democrats—that we would take forceful action to deal with it. It is an issue I think all of us agree on because it has to do with the taxpayers. It has to do with money that might be going out under ObamaCare that is not appropriate. It is ensuring that the subsidy payments in ObamaCare are going to the people who actually qualify for them.

As this Chamber knows, the subsidies started to flow on January 1. ObamaCare provides subsidies to health care premiums for low- and middle-income Americans who don't qualify for Medicaid. They are not under the poverty line but are above the poverty line; actually, above 133 percent of the poverty line. In fact, people who earn up to 400 percent of the poverty line are eligible for these subsidies. Recently, the Kaiser Foundation estimated the number of people who can legally qualify for these funds and receive them is about 6.6 million Americans. These subsidies can be fairly large. They can exceed $10,000 a year, for instance, for a family of four. So we are talking about billions of dollars of taxpayer money. The question is, Are they going to the right people? I think, because there is so much money involved, the American people should be able to rightly expect that the government has in place a system to ensure that the people who are supposed to get it are getting it and to ensure that those who are claiming the subsidies and receiving the taxpayer dollars are eligible for them.

In January of this year, in response to a requirement actually attached to legislation that passed the Senate called the Ryan-Murray budget—in response to that legislation where there was a requirement that there be some sort of process put in place—the Secretary of Health and Human Services, Kathleen Sebelius, ensured Congress in a letter that HHS had ''implemented numerous systems and processes to carry out'' income verification procedures.

So she sent a letter to the Congress saying: Don't worry about it. We have it covered. We have implemented numerous systems and processes to carry out income verification procedures.

Unfortunately, what we are finding out now—and here we are, gosh, 6 months later—is that a lot of those assurances might not be accurate, that it appears as though they have not put in place these processes.

The Washington Post wrote a recent article that got my attention. It got my attention because it reported that, in fact, no permanent system has been built that is capable of verifying those eligible to receive the subsidies. In fact, according to internal reports that were obtained by the Washington Post, since no computer capability for verifying eligibility yet exists, Health and Human Services will begin sorting through all these applications by hand at some indefinite date in the future.

So this is concerning. These internal reports are not reports we have here in Congress. They are not reports my constituents have. The American people have not been able to see these reports. But the Washington Post got hold of some that showed, in fact, they have not put in this permanent system or an automated system of any kind that you would normally expect with this kind of money going out the door.

So here we are in 2014 and the U.S. Government is going to comb through, I guess by hand, literally millions of documents of people who are claiming subsidies—by hand—and try to figure out how to deal with it. It is like something out of a bad movie, but it is not a laughing matter because the consequences are significant.

The Washington Post reports that the government may already be paying incorrect subsidies to more than 1 million people, although that is just a best guess. These fraudulent payments—if that is accurate—of course, would then be costing the American taxpayers millions, maybe billions of dollars.

When news broke about this problem last month through this story in the Washington Post, I wrote a letter to Secretary Sebelius at the Health and Human Services agency. I also wrote it to the IRS Commissioner because the obvious thing to do would be to check the information that is given with the IRS records to see whether the 1040 matches up with what you are saying your income is.

In the letter, I said: Can you give us the answers about these very serious questions that have been raised, and can you tell us what the Department of Health and Human Services is doing about this?

I asked for a response by June 1. It is now past June 1 and I have received nothing but silence in response. That is why I have come to the floor today to say, look, I do not think anybody on either side of the aisle in the Senate thinks this is acceptable. Some on the other side might say: Well, we are more concerned about people who are not getting the subsidies they are eligible for because the verification is not in place to help them. That is fine. The point is that the subsidies ought to go to the people who are eligible. Whether they are overstating or understating their income and therefore made eligible or not eligible, there ought to be a system in place. That is a minimum requirement, I would think, that we would all want to have in place to be able to, again, save these payments from going out in a fraudulent way, to the tune of what could be billions of dollars. I cannot imagine anyone thinks the current situation is acceptable.

So we are going to see if HHS gets its act together and gets serious about enforcing these rules. I think it is going to require new leadership. That is why I am hoping that with the nomination and debate this week of Sylvia Burwell to be the next Secretary of HHS, we can have a discussion about this issue and that she can provide some of that new leadership from the top to ensure that indeed we do have accountability through the system and we can figure out whether this situation will be resolved.

Unfortunately, I think it is also going to require leadership from the top-top, meaning from the White House as well. This is not an isolated incident, unfortunately, of incompetence, I would say, on behalf of our Federal Government in implementing in this case a very complicated law. We have seen this recently with the scandal

that has involved the VA—the VA health system—another big complicated system that is obviously not working to take care of the needs of our veterans, who should be at the front of the line receiving the best care and too often we find out are at the back of the line or maybe are not on the list at all, as we saw with regard to the Phoenix VA center, where 1,700 people were just taken off the list altogether. We have seen it with regard to the IRS scandal, where you have the Internal Revenue Service actually going after Americans because of their political beliefs. Nothing could be more wrong in terms of building faith and trust in our Federal system than to think that the tax collector is going after folks because of their political beliefs.

So all these recent issues that have come up of incompetence and of the government not keeping the trust are bad. It is bad even in good times. Today is not good times because already that faith in the Federal Government is at record lows. The faith in this institution is at a record low, they say.

It should be our responsibility to begin to rebuild that faith by doing what makes sense. What is going on at HHS does not make sense. Everyone knows there needs to be a system in place and a permanent automated system to deal with this; the same with the VA, the same with the IRS. I hope we see that kind of leadership. I hope we can do that because it is the right thing to do for taxpayers, but it also rebuilds trust in the American Government system. To do that is going to require some serious and immediate action.

In the case of HHS, I call on the administration today to make good on the promise they made in January where they said: No problem. We have it covered. We have a system in place to ensure that there are not mispayments going out, that only folks who are eligible are going to get these payments.

In the process of Sylvia Burwell's nomination, let's raise this issue. Let's encourage her to show leadership at HHS to be able to deal with this issue. Let's ensure that subsidies are going to the right people and that taxpayers are being protected.

I thank the Presiding Officer for the time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STUDENT LOAN DEBT

Mr. DURBIN. Mr. President, during this last break I went back to Illinois and visited a lot of college campuses. I went to Augustana College, which is in the Quad Cities, and then went to Illinois State University in Normal, IL, and then down to the University of Illinois.

At each one of those campuses I had a press conference about student debt. Student debt today has reached a point where we have to pay close attention to it—and we should. The vast majority of Americans ask a very basic question: Senator, is there anything you are doing today that really is going to help my family? For 44 million Americans currently paying on student loans in America, legislation that is going to be introduced tomorrow can make a big difference.

I am cosponsoring a bill with ELIZABETH WARREN, the Senator from the Commonwealth of Massachusetts, a very bright lady who was on the faculty of the Harvard Law School and who understands these issues better than almost anyone I have ever met. She is leading the way on a college student loan refinancing bill.

Here is what we are trying to do. We are trying to get those students who are trapped in big debts with high interest rates a chance to refinance their loans. How significant could it be? Well, when I met these students at different schools, they told me their stories. As a former college borrower myself, as a father raising three kids who went through college, it was sad. It was really sad to hear their stories because the amount of debt that students are running into now is dramatically higher than anything those of us who were in the early stages of college loans ever experienced.

I will not even tell you how much I borrowed because it makes me sound ancient. But it scared me to death when I borrowed that money to go through college and law school for fear I would never pay it back. It turns out I did as I was supposed to. But students today many times find themselves so deeply in debt they just cannot get out from under it.

Now, I am going to set over here on this side a whole category of speeches on institutions known as for-profit colleges and universities. They are in a special place in my thinking. For-profit colleges and universities, who are they? The biggest one is the University of Phoenix. Apollo Group owns a series of universities. You have seen their advertising, I will bet.

They, at one point, had over 450,000 students in this University of Phoenix network of schools across the country. The second biggest is DeVry, another for-profit university out of my State of Illinois. Kaplan is the third largest. I am going to set them over here because they are in a special category. They are in a category of colleges and universities that we ought to be doing something about.

Three numbers tell the story about the for-profit colleges and universities. Ten percent of high school graduates go to for-profit colleges and universities. Ten percent of America's high school graduates go to these schools. These schools receive 20 percent of all Federal aid to education—10 percent of the students, 20 percent of the Federal aid.

These for-profit colleges and universities receive over $32 billion a year in Federal aid. Why is it so much if they only have 10 percent of the students? Because they charge so much when it comes to tuition. But here is the number: 46. Forty-six percent of all student loan defaults are students out of for-profit colleges and universities.

Why? Worthless diplomas, too much debt, and the students cannot find work to pay off their debts. Now, what if you have a college loan? There is something you ought to know about it. You probably heard it. It bears repeating. There are only a handful of debts in America that you can incur as an American citizen that cannot be discharged in bankruptcy: taxes—you have to pay those—child support, alimony, and college student loans.

No matter what happens to you financially, there is virtually no way out. The loan you take out to go to college is with you for a lifetime. Even in bankruptcy you cannot discharge it. At the end of bankruptcy, it is still sitting there. Unfortunately, the interest is growing.

That is why we have to take a look at it. Let's move aside from the for-profit college world, which I think is a separate issue, but a very important one, and look at the big picture. For too many Americans the promise of a fair shot at an affordable college education has become a long shot. Average tuition and fees at 4-year public colleges has more than tripled in the last 30 years. I can guarantee you that income for American families has not tripled in that same period.

Tuition has outpaced inflation for 32 straight years. The cost of education at all colleges and universities has been going up dramatically. No other major consumer expenditure, including health care, can make that claim. It is not just low-income students who feel the impact of these rising costs. It is middle-income students and their families as well. Since 2003 the amount of student loan debt in America has quadrupled. Nationally there are now almost 40 million borrowers with more than $1 trillion in debt. There is more student loan debt in America today than the combined sum total of all credit card debt. That is more than there is in auto loans. Only mortgages would be a higher category of debt in terms of its total cost.

The average student loan debt increased by 49 percent between 2005 and 2012 to $27,850. On average, Illinois graduates in the class of 2012 left with a little over $28,000 in debt, but their individual debts, as you might guess, are much higher; and 1.7 million Illinoisans have outstanding student loan debt out of a population of about 12.5 million.

What effect does $1 trillion in student loan debt have on the American economy. The Federal Reserve warns us that it is threatening current and future economic growth. The student loan debt crisis has been compared to the mortgage crisis we went through 8 or 9 years ago. It is ingrained in American culture that each successive generation wants to do better than the previous one. But student loan debt is crippling middle-class growth for younger generations.

Currently the median household wealth of people my age, in the 55-to-65 bracket, is 44 times the net worth of the median household of people younger than 35. People under the age of 35 are struggling. This is historically unprecedented and has a lot to do with the student loan debt.

I have heard from so many people in my State about this issue. They say student loan debt is preventing them from buying a car, borrowing any more money to finish their education, having their own place to live, getting married and, once married, having children. I have met couples who have said: We made a family decision; no kids until we pay off the student loans; I am not sure we will be able to pay them off in time to make that decision.

Think about that for a second. They cannot even start a family because of the student debts and the fear that they are going to default on them. I heard it firsthand back in Illinois last week. One student I met, Mabinty Tarawallie, is struggling with student loan debt even though she has done everything right. She immigrated to the United States from Africa when she was 11 years old. Her family was very poor but they told her: You have to have an education.

She graduated from high school, went to a local community college—a good place to start—and completed her undergraduate degree in sociology at the University of Illinois.

She told me she wanted to help others pick themselves up out of poverty as she did, so she went to graduate school for a master's degree in social work. She recently graduated from a program at the University of Illinois. Although she was able to get through her undergraduate years without much debt, she spread out her graduate studies over 3 years as she was raising her family of three kids.

She had one graduate assistantship, but she had to pay for the rest with loans. To compound this problem, her husband, another University of Illinois graduate student in education, also has student loans. Together, Mabinty and her husband, now that they have completed their degrees, have a debt of $150,000. One wants be a social worker and the other wants to be a teacher.

Now she worries about how her family is going to be able to cope, with debt three times the annual salary she might receive as a social worker. The irony is even as a college degree becomes harder to afford for the middle class, it is more important than ever that people get educated, trained, and skilled for better jobs. Only college-educated workers have had wage gains in the past 30 years. If you don't go the college route, your chances of success are diminished dramatically. That is why we want to address these serious issues.

This bill I am talking about, the one we are going to introduce tomorrow, will give students with college student loan debt who are current on their loans an opportunity to refinance.

I talked to Mabinty and other students. It meant for her that her interest rate would come down from 6.8 percent to 3.8 percent. If you have ever gone out to get a mortgage or you know somebody who did, they will explain to you that 3 percent of your interest rate is a big deal. If you can get your interest rate reduced by 3 percent, your chances of paying off the principal are going to be a lot better.

This bill I have cosponsored with ELIZABETH WARREN, JACK REED, and others is called the Bank on Students Emergency Loan Refinancing Act. It will help millions of current borrowers refinance their Federal or private student loans into these lower Federal interest rates. Those with Federal loans can refinance into lower rates, the same rates available to students who took out new loans this year.

Under the Warren bill, those with private loans—many of whom have sky-high interest rates and are facing collection agencies beating up on them—can refinance with Federal loans with lower rates and strong consumer protection. Refinancing, incidentally, is fully paid for. This is a point I want to make, because this is where we lose the other side of the aisle. This is where we can't find bipartisan cosponsorship for refinancing college loans.

Here is how we pay for it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. I ask for 2 additional minutes.

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

Mr. DURBIN. Most of us have heard the name Warren Buffett, one of the wealthiest men in America. He raised the question a few years ago: Why, in America, is my income tax rate as a multimillionaire lower than my secretary's income tax rate? There is an explanation in the Tax Code, but it isn't a very good one. Warren Buffett said I should be paying more than she is paying. So we have come up with something called the Buffet rule, which says if you are in the multimillionaire category, you are going to pay a higher income tax rate than your secretary.

What a radical idea that is. I am just kidding. I think it is reasonable, and that is how we pay for refinancing college loans.

The problem is that we go to the other side of the aisle and say: We want to refinance college loans. It is going to take some money to do it. We will put in the Buffett rule so millionaires pay more in their income taxes. They say: We don't want any part of it. We will not increase taxes on anybody.

Well, by taking that position, they are sticking 44 million Americans with college loan debt at higher interest rates and all the problems they generate.

Which is better, that millionaires pay a little more so working families across America have a fair shot of paying off their college loans or saying we are not going to touch the Tax Code for any reason whatsoever—and isn't it a darn shame for these students and their families.

Well, it is pretty obvious to me what we should be doing.

I met Shiann Poshard last week at Illinois State University. She graduated with a teaching degree and about $30,000 in student debt. She has a job, and she is going to be teaching in public schools in Eureka, IL. Even so, on a first-year teaching salary—with an upcoming wedding, incidentally—her student loan debt will undoubtedly be a burden. If she is allowed to refinance her loan, which she took out at 6.8 percent, she could cut her interest rate almost in half. That will make a big difference.

Tomorrow, when this legislation is introduced, I hope anyone who has a family, where they have borrowed money for college, who has a son or daughter deep in debt and wondering how they are going to get out from under it, contact your Senator or your Congressman and ask them: Are you going to be part of this college student loan refinancing effort?

I hope they will say yes. We need bipartisan support to help these students out of the debt they are facing today.

I yield the floor.

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

Mr. DURBIN. I ask unanimous consent to yield back all time on the pending nomination.

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

The question is, Will the Senate advise and consent to the nomination of Sharon Y. Bowen, of New York, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2018?

Mr. JOHANNS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. On this vote I have a pair with the Senator from New Jersey [Mr. BOOKER]. If he were present and voting, he would vote ''yea.'' If I were permitted to vote, I would vote ''nay;'' therefore, I withhold my vote.

Mr. DURBIN. I announce that the Senator from New Jersey, (Mr. BOOKER) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted ''nay'' and the Senator from Utah (Mr. LEE) would have voted ''nay''.

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

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—48

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

NAYS—46

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

PRESENT AND GIVING A LIVE PAIR—1

Levin

NOT VOTING—5

Booker	Cochran	Udall (CO)
Boozman	Lee	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. 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 Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Masssachusetts.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, I ask unanimous consent to yield back the time.

The PRESIDING OFFICER. Is there objection? Without objection, all time is yielded back.

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 Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

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

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 168 Ex.]

YEAS—56

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

NAYS—39

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

NOT VOTING—5

Booker	Cochran	Udall (CO)
Boozman	Lee	

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 39. The motion is agreed to.

NOMINATION OF MARK G. MASTROIANNI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Mark G. Mastroianni, of Massachusetts, to be United States District Judge for the District of Massachusetts.

CLOTURE MOTION

The PRESIDING OFFICER. 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 Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

The PRESIDING OFFICER. There will now be 2 minutes of debate on the motion to invoke cloture.

Mr. CARDIN. Mr. President, we yield back the time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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 Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

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

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—59

Ayotte	Coons	Johnson (SD)
Baldwin	Donnelly	Kaine
Begich	Durbin	King
Bennet	Feinstein	Klobuchar
Blumenthal	Franken	Leahy
Boxer	Gillibrand	Levin
Brown	Graham	Manchin
Cantwell	Hagan	Markey
Cardin	Harkin	McCain
Carper	Heinrich	McCaskill
Casey	Heitkamp	Menendez
Collins	Hirono	Merkley

Mikulski	Reid	Tester
Murkowski	Rockefeller	Udall (NM)
Murphy	Sanders	Walsh
Murray	Schatz	Warner
Nelson	Schumer	Warren
Paul	Scott	Whitehouse
Pryor	Shaheen	Wyden
Reed	Stabenow	

NAYS—35

Alexander	Fischer	Moran
Barrasso	Flake	Portman
Blunt	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Sessions
Coburn	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Toomey
Crapo	Johnson (WI)	Vitter
Cruz	Kirk	Wicker
Enzi	McConnell	

NOT VOTING—6

Booker	Cochran	Lee
Boozman	Landrieu	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 59, the nays are 35.

The motion is agreed to.

NOMINATION OF BRUCE HOWE HENDRICKS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Bruce Howe Hendricks, of South Carolina, to be United States District Judge for the District of South Carolina.

CLOTURE MOTION

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

The assistant 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 Tanya S. Chutkan, of the District of Columbia, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Al Franken, Barbara Boxer, Christopher A. Coons, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Carl Levin, Bill Nelson, Amy Klobuchar, Robert P. Casey, Jr., Elizabeth Warren, Sheldon Whitehouse, Mazie K. Hirono, Tom Harkin, Tom Udall.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided.

Mr. REID. Madam President, I yield back the time.

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

Mr. REID. Madam President, I ask unanimous consent that following the cloture vote on Calendar No. 733, Chutkan, the Senate proceed to consideration of Calendar Nos. 752, 753, and 754, and the Senate proceed to vote on confirmation of the nominations in the order listed; further, that if confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, we hope and expect these three nominations to be confirmed by voice. So we expect the next rollcall vote to be the final rollcall vote of the day, and that should start in just a few seconds. The next series of rollcall votes will occur tomorrow morning at about 11 a.m.

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 Tanya S. Chutkan, of the District of Columbia, to be United States District Judge for the District of Columbia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Utah (Mr. LEE).

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

The yeas and nays resulted—yeas 54, nays 40, as follows:

[Rollcall Vote No. 170 Ex.]

YEAS—54

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

NAYS—40

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

NOT VOTING—6

Booker	Cochran	Lee
Boozman	Landrieu	Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 40. The motion is agreed to.

NOMINATION OF TANYA S. CHUTKAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Tanya S. Chutkan, of the District of Columbia, to be United States District Judge for the District of Columbia.

NOMINATION OF TIMOTHY G. MASSAD TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2017

NOMINATION OF TIMOTHY G. MASSAD TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION

NOMINATION OF J. CHRISTOPHER GIANCARLO TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2014

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nominations en bloc.

The clerk will report the nominations.

The legislative clerk read the nominations of Timothy G. Massad, of Connecticut, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2017; Timothy G. Massad, of Connecticut, to be Chairman of the Commodity Futures Trading Commission; and J. Christopher Giancarlo, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2014.

VOTE ON MASSAD NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy G. Massad, of Connecticut, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2017?

The nomination was confirmed.

VOTE ON MASSAD NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Timothy G. Massad, of Connecticut, to be Chairman of the Commodity Futures Trading Commission?

The nomination was confirmed.

VOTE ON GIANCARLO NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of J. Christopher Giancarlo, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, with respect to those nominations confirmed, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I thank the Chair.

(The remarks of Mr. SANDERS and Mr. BLUMENTHAL pertaining to the introduction of S. 2422 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Michigan.

CFTC CONFIRMATIONS

Ms. STABENOW. Madam President, the Senate has now approved three nominations to the Commodity Futures Trading Commission. The CFTC is an important independent agency with a mission to provide oversight of the futures, swaps, and options markets, protecting market participants from fraud and manipulation. The agency ensures safety and soundness of the market and makes sure that hedgers, such as farmers and ranchers or manufacturing companies, can manage risks appropriately, and there needs to be confidence in those markets and in the oversight of those markets. The Commissioners confirmed today will not only help protect those markets but finish the implementation of reforms contained in the Wall Street Reform Act.

Earlier today I spoke about Sharon Bowen's qualifications, and I was very pleased to see the Senate approve her nomination. Now I wish to talk about the other two CFTC Commissioners appointed by the President who were also confirmed by the Senate just a few minutes ago.

For the role of CFTC Chairman, President Obama has selected Timothy Massad. Mr. Massad has a sterling record of public service. Three years ago he was confirmed unanimously by the Senate to serve as the Department of Treasury's Assistant Secretary for Financial Stability. In that position Mr. Massad oversaw the winddown of the Troubled Asset Relief Program. He devoted himself to helping homeowners who were struggling to stay in their homes while helping communities where vacant houses were a blight to neighborhoods. It is a tribute to Mr. Massad's leadership that the banks that benefited from TARP have repaid nearly every dollar.

At the Treasury Department Mr. Massad not only made good on his responsibility to ensure a positive return to American taxpayers, he did so with complete transparency.

During Mr. Massad's testimony before the Agriculture Committee, he emphasized that need for strong enforcement to ensure public confidence in our markets, which is so very important. He demonstrated an understanding of how markets must provide hedging and price discovery for end users.

Mr. Massad demonstrated that he will be an advocate for strong international regulatory standards in a global derivatives market. Throughout the course of his career in the private sector and then in the public sector, Mr. Massad has earned a reputation as a consensus builder, a tireless worker, and a protector of the public interest. I have no doubt Mr. Massad will continue his excellence in his role as CFTC Chair.

The second nominee chosen by President Obama is Christopher Giancarlo. Since 2000, Mr. Giancarlo has worked in companies that focused on swaps markets regulated by the CFTC. For most of that time Mr. Giancarlo has been a senior executive at the interdealer broker, GFI Group.

At his confirmation hearing, Mr. Giancarlo talked about how the futures and swaps markets must serve the needs of farmers and other end users. He recognizes the central role that commodities play in our Nation's economy.

Like Mr. Massad Mr. Giancarlo understands the important lessons of the financial crisis. For example, in his remarks Mr. Giancarlo emphasized the value of transparency in the swaps markets. He agrees with the provisions in the Wall Street Reform Act that allow robust oversight of U.S. swaps intermediaries, while at the same time Mr. Giancarlo talked about the importance of balanced regulatory oversight in open and competitive markets. In short, Mr. Giancarlo is a pragmatist. This is a quality that will serve him well as a CFTC Commissioner.

I congratulate not only Mr. Giancarlo but Mr. Massad and Ms. Bowen on their confirmations today. I have every expectation that they will work well with all of the stakeholders involved in the vitally important work of the CFTC. This will ensure that CFTC is fulfilling its mission of protecting the public, which is the bottom line.

In Congress we must also do our part to protect these markets and make sure the CFTC has the resources it needs to do its job, and that means having both the staff and technology in place so the CFTC can perform its work. We have given them so much more work with the new legislation, so we need to make sure they have the resources to do what we have asked them to do.

The agency must be able to keep up with the markets they are overseeing. They can't do that if they don't have the funding they need, and this will be a priority for me as we seek to update the CFTC and its abilities to protect consumers and market participants. We have 21st century markets and we need a 21st century CFTC to oversee them.

The Senate Agriculture Committee is beginning its work on a CFTC reauthorization bill. The approval of today's nominees and our upcoming work on this legislation will help make sure the Commodity Futures Trading Commission is fully empowered to do everything that we and the public are relying on them to do.

Again, I congratulate all of those confirmed today. I thank my colleagues for their support, and I thank the Presiding Officer.

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.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

APPROACH TO OPIOID ADDICTION

Mr. LEAHY. Madam President, it is no secret that communities across the country are struggling to break the cycle of addiction to powerful opioids, including heroin. We are now seeing addiction creep into neighborhoods and communities of all sizes, both rural and urban. My home State of Vermont has not been spared, and it in fact has attracted much attention for its struggles with addiction. However in many ways, Vermont is ahead of much of the Nation when it comes to responding to the opioid epidemic. We long ago recognized the problem, and communities in Vermont have spent the better part of a decade coming together to address opioid addiction.

In March I had the privilege of chairing a field hearing of the Senate Judiciary Committee in Rutland, VT. It was the fourth time in the past 6 years that I brought the committee to Vermont to explore issues related to drug abuse. I heard powerful testimony discussing how communities are responding to addiction, rethinking decades-old approaches to prevention, treatment, and law enforcement efforts. Dr. Harry Chen, the Vermont Department of Health commissioner and a career emergency room physician, described what it means to recognize

addiction as a public health issue, expanding evidence-based prevention and treatment services to all corners of the State.

Vermont hospitals are also rethinking best practices in light of this epidemic. Recently, the Office of National Drug Control Policy published an article entitled ''How a Vermont Hospital Fights the American Opioid Epidemic.'' The article was authored by Dr. Stephen Leffler, the chief medical officer at Fletcher Allen Health Care in Burlington, VT. In the article, Dr. Leffler describes how Fletcher Allen is on the leading edge of modernizing health care practices to minimize abuse and addiction, while still providing necessary pain management. The hospital provides clear, standardized protocols for treating pain, defines a maximum daily dosage as guided by the latest research, and measures patients' risk for addiction. This approach ensures consistency in treatment and may help to stem the flow of prescription opioid users from sliding into addiction.

The approach described in Dr. Leffler's article could potentially serve as a model for the rest of country, and I would encourage other States grappling with addiction to look at what Fletcher Allen is doing in Burlington. If we are to find legislative solutions that may finally break the cycle of opioid addiction, then surely we must carefully consider promising, novel approaches such as this. I ask unanimous consent that Dr. Leffler's article be printed in the RECORD.

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

[From The Office of National Drug Control Policy, May 9, 2014]

HOW A VERMONT HOSPITAL FIGHTS THE AMERICAN OPIOID EPIDEMIC

(By Dr. Stephen M. Leffler)

Over the course of my more than 20 years as an emergency physician, I have seen thousands of patients with painful conditions. During that same time, I have witnessed the remarkable evolution of modern pain medication—its potential and its pitfalls. We can now help patients manage both short-term and long-term pain. Yet, while medications—particularly opioids—have helped us heal patients, we have also seen their detrimental effects, chief among them addiction.

Opioids can be very helpful for patients with conditions such as broken bones and kidney stones, and they are also useful after many types of surgery. They may also be used to treat those with chronic pain—people who experience pain carrying out normal, daily functions of life that others take for granted. Used for short periods of time at the proper dosage, opioids are safe medications and excellent choices for a wide variety of acute painful conditions.

While opioids work well for pain control, they have a number of potentially serious side effects: They can hinder or stop breathing, cause constipation, result in drowsiness, and act as central nervous system depressants. That's why your doctor tells you it is not safe to drive after taking opioids.

Another devastating side effect is addiction. The body develops a tolerance to opioids and, after only a couple of weeks, may require higher doses to control pain. Over time, increasing doses of opioids may be needed to manage the same level of pain. Patients may develop dependence—their bodies will crave it. They will exhibit a strong desire or compulsion to take the drug for reasons beyond simple pain control. At this stage, if they stop taking opioids, they will experience withdrawal. This is how opioid use can lead to addiction and all its inherent problems for the individual and society.

As providers, our responsibility is to carefully manage the side effects of opioid therapy. Dependence, tolerance, and addiction must be discussed with patients, and a careful well-planned strategy is crucial for their extended use of opioids.

That is exactly what we are doing at Fletcher Allen Health Care in Burlington, Vermont. Recently, providers and pain management experts from multiple specialties (Anesthesia, Emergency Medicine, Family Medicine, Internal Medicine, and Surgery) converged to standardize how we care for patients with painful conditions and to develop best practices for our patients.

What did we do? Here is an overview:

Systems Approach. We built standardized protocols so that patients will get similar treatment in various settings. We believe this standardization will help our patients and providers. There will be clear, defined expectations and goals for treating our patients' pain.

New Rules & Tools. We use processes and tools such as pain agreements with patients and surveys to assess how patients are functioning with their pain and to measure their risk for addiction.

Defining Maximum Daily Dosage. We are one of the first hospitals in the country to define the maximum daily dose of opioids. Research shows that beyond certain doses, patients experience no additional benefit. We know that very high doses of opioids increase the risk of dangerous side effects but offer no additional pain control.

This approach helps ensure that we are more reliable and consistent in our approach to pain in our patients and that our patients will know what to expect from their providers.

Gil Kerlikowske, then-Director of ONDCP, recently visited Fletcher Allen Health Care to discuss our new approach and tools. He lauded our systems-level strategy and our standardized protocols. I believe that the current dialogue in Vermont and elsewhere on how to better manage opioid abuse will be productive and lead to changes across the country in how these drugs are prescribed and how acute and chronic pain is managed. Fletcher Allen Health Care is on the leading edge of this transition and could be a model for other health systems managing this complex issue. I hope that sharing our practices here is the first step toward being that model.

TRIBUTE TO LOIS R. HATFIELD

Mr. MCCONNELL. Madam President, last month, Lois R. Hatfield received the 2014 Business Woman of the Year award from the Somerset Business and Professional Women's Club. I wish to honor this exemplary citizen and to recognize her tremendous career as an educator.

Lois took her first job in 1951, teaching grades one through eight at a one-room school house called Union Ridge School in the Jabez portion of Wayne County. She continued to devote herself to education in Kentucky for the remainder of her career, which lasted over 60 years.

Her accomplishments over the years are many. In 1978, she became the principal of her alma mater, Nancy Elementary, making her the first female principal in the history of the Pulaski County School System. She has also served as president of the Alpha Delta Kappa Educational Sorority, precinct chair for the Pulaski County Republican Party, and president of the Pulaski County Republican Women's Club.

Officially in retirement since 1997, Lois has a hard time staying away from the classroom and still serves when needed as a substitute principal or teacher. The fire that burns within her, propelling her to educate the children of our Commonwealth, has not waned in the slightest degree since she began her career in education.

Lois's dedicated commitment to her community and its children deserves the praise of this body. Therefore, I ask that my U.S. Senate colleagues join me in recognizing Lois R. Hatfield and her many accomplishments in the field of education.

The Commonwealth Journal recently published an article detailing Lois Hatfield's career and her receipt of the 2014 Business Woman of the Year award. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Commonwealth Journal, May 11, 2014]

2014 BUSINESS WOMAN OF THE YEAR: LOIS R. HATFIELD IS THE RECIPIENT OF THE AWARD

A Pulaski County woman with a passion for education is the recipient of the 2014 Business Woman of the Year award from the Somerset Business and Professional Women's Club.

Lois R. Hatfield was presented the award Tuesday at the May membership meeting of the Somerset-Pulaski Chamber of Commerce.

Hatfield was born in Faubush and graduated from Nancy High School in 1947.

Her teaching career spans more than 60 years and with all her educational achievements she has never grasped the meaning of retirement.

Working her way through college, Hatfield received her Bachelor of Arts degree in education from Eastern Kentucky University in 1961 and later received her master's degree in elementary education with an emphasis in early childhood education from EKU in 1972.

She began her distinguished professional career in education in 1951 when she taught grades one-eight at Union Ridge School, a one-room school house in the Jabez portion of Wayne County.

In 1958 she began working with the Pulaski County School System teaching first-eighth grades at Anderson School, which was eventually consolidated into Nancy Elementary.

In 1978, she was promoted to principal of Nancy Elementary, making her the first female principal in the history of the Pulaski County School System.

Hatfield officially ''retired'' in 1997 while serving as K–6 supervisor in the Pulaski County School District, a position she had held since 1988.

She didn't stop. Since retiring, Hatfield has served as a reading consultant and homebound instructor for the Pulaski County

school system; a long-term substitute principal at numerous elementary schools in Pulaski County; substitute teacher in Pulaski County and Science Hill school systems; and for the past 14 years she has served and continues to serve as a teacher-educator for Pulaski County, Somerset, Science Hill and Somerset Christian school.

Very active in community affairs, Hatfield is a board member of Somerset-Pulaski Convention and Visitors Bureau, member of Somerset Business and Professional Women's Club, member and past president of Alpha Delta Kappa Educational Sorority, director of Lake Cumberland Foundation, precinct chair for the Pulaski County Republican Party, member of Fidelis Chapter of Eastern Star, member and past president of Pulaski County Republican Women's Club, member of Pulaski County Lincoln Club and Mt. Pisgah Baptist Church.

The third of 10 children in a family of limited means, Hatfield had to work while she attended Nancy High School.

For a time she worked and lived in Somerset, riding a bus to attend high school at Nancy. She got a college education by working and taking classes at Eastern Kentucky University. She attended Butler University while she and husband Avery worked in Indianapolis. She also was a student at Lindsey Wilson College in Columbia.

The former Lois Roberts was married to Avery Hatfield more than 60 years. The late Mr. Hatfield was a well-known coach at the former Nancy High School, winning several county championships. As an assistant to David Fraley at Pulaski County High School, they guided the Maroons to the state championship in 1986.

Avery Hatfield died on the first Sunday in November 2010, two days before their son, Martin, was elected as Pulaski County attorney.

Lois Hatfield is most sympathetic to today's lack of sufficient funding for education.

Anderson School, her first teaching position with the Pulaski County School System, had no electricity and no lights. She held a pie supper and made money to install electricity, paint the building and buy curtains for the windows.

RECOGNIZING RABBI AARON PANKEN

Mr. PORTMAN. Madam President, I wish to recognize Rabbi Aaron Panken, on the occasion of his inauguration as president of the widely-respected Hebrew Union College, HUC,-Jewish Institute of Religion, the Reform movement's rabbinical school, on June 8, 2014. HUC was founded in Cincinnati in 1875 by Rabbi Isaac Wise.

As president, Panken will serve as the chief executive officer of Hebrew Union College's four campuses—in Cincinnati, Jerusalem, Los Angeles and New York. The 12th president in HUC's 138-year history, Panken succeeds Rabbi David Ellenson, who served from 2001 to 2013, and has been named chancellor upon his retirement.

Rabbi Panken, 49, of Mamaroneck, N.Y., brings an impressive record to HUC. He has taught rabbinic and Second Temple literature at Hebrew Union College-Jewish Institute of Religion in New York since 1995. He has also served as vice president for strategic initiatives, dean of the New York campus and dean of students.

Rabbi Panken grew up on Manhattan's Upper West Side, went straight from college to a job as regional director of the North American Federation of Temple Youth, was ordained by Hebrew Union College, worked as an associate rabbi at Manhattan's Congregation Rodeph Shalom and earned a doctorate in Hebrew and Judaic Studies at New York University.

I congratulate Aaron Panken as he begins this new chapter in his distinguished career.

ADDITIONAL STATEMENTS

DUBUQUE COUNTY, IOWA

• Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Dubuque County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Dubuque County worth over $40 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $97 million to the local economy.

My close partnership with the community and economic development leaders in Dubuque has resulted in community transformation. From cleaning up the riverfront and building the National Mississippi River Museum to improving road and air access to the community to investments in Dubuque schools and downtown storefronts and housing, massive Federal investments combined with local vision and hard work has resulted in the revitalization of Dubuque. I am pleased that my staff will be touring the community health center. I have been a long-time supporter of community health centers, having worked for over two decades to expand centers in Iowa.

Among the highlights:

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Dubuque County has recognized this important issue by securing more than $550,000 for construction, renovations, and to hire additional workers at the Crescent Community Health Center.

Investing in Iowa's economic development through targeted community projects: In Northeast Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Dubuque County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Dubuque County, I have fought for $37 million to make highway 61 a four-lane highway to expand transportation into Dubuque, $23 million to improve the Mississippi River Bridge, $30 million for the southwest arterial, $4 million for the river museum, and a $5.6 million TIGER Grant, helping to create jobs and expand economic opportunities.

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Dubuque to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that the community has earned $438,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Dubuque County has received more than $2.7 million in Harkin grants.

Disaster mitigation and prevention: In 1993, when historic floods ripped through Iowa, it became clear to me that the national emergency-response infrastructure was woefully inadequate to meet the needs of Iowans in flood-ravaged communities. I went to work dramatically expanding the Federal Emergency Management Agency's hazard mitigation program, which helps communities reduce the loss of life and property due to natural disasters and enables mitigation measures to be implemented during the immediate recovery period. Disaster relief means more than helping people and businesses get back on their feet after a disaster, it means doing our best to prevent the same predictable flood or other catastrophe from recurring in the future. The hazard mitigation program that I helped create in 1993 provided critical support to Iowa communities impacted by the devastating floods of 2008. Dubuque County has received over $4.3 million to remediate and prevent widespread destruction from natural disasters.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as, for instance, the methamphetamine epidemic. Since 2001, Dubuque County's fire departments have received over $3 million for firefighter safety and operations equipment and over $570,000 in Byrne Justice Assistance Grants.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf. I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Dubuque County, both those with and without disabilities.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Dubuque County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Dubuque County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

KEOKUK COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Keokuk County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to successfully acquire financial assistance from programs I have fought hard to support, which have provided more than $4 million to the local economy.

Of course, one of my favorite memories of working together include their tremendous success in obtaining funding for public safety programs, as well as farm bill funding for local economic development.

Among the highlights:

Main Street Iowa: One of the greatest challenges we face—in Iowa and all across America—is preserving the character and vitality of our small towns and rural communities. This isn't just about economics. It is also about maintaining our identity as Iowans. Main Street Iowa helps preserve Iowa's heart and soul by providing funds to revitalize downtown business districts. This program has allowed towns like Sigourney to use that money to leverage other investments to jumpstart change and renewal. I am so pleased that Keokuk County has earned $40,000 through this program. These grants build much more than buildings. They build up the spirit and morale of people in our small towns and local communities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That is why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Keokuk County has received $335,827 in Harkin grants. Similarly, schools in Keokuk County have received funds that I designated for Iowa Star Schools for technology totaling $136,722.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Keokuk County has received more than $2 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as the methamphetamine epidemic. For instance, Keokuk County has received $69,475 in Community Oriented Policing Services

grants. Also, since 2001, the county's fire departments have received over $1.9 million for firefighter safety and operations equipment.

Disability rights: Growing up, I loved and admired my brother Frank, who was deaf, but I was deeply disturbed by the discrimination and obstacles he faced every day. That is why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Keokuk County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Keokuk County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

TRIBUTE TO MATTHEW McCORMICK

● Mrs. MURRAY. Madam President, I wish to pay tribute to a devoted public servant as he retires from a career at the U.S. Department of Energy and U.S. Navy. Matthew S. McCormick has dedicated 32 years in service to our Nation, including 11 years—the last 4 as manager—at the Richland Operations Office at the Hanford Nuclear Reservation in my home State of Washington.

A graduate of Montana State University, Mr. McCormick began his civil career as a nuclear engineer for the U.S. Navy. After he worked on the Naval Reactor's Program, Mr. McCormick moved to the Department of Energy serving in multiple different capacities in the Office of Environmental Management and with the Savanah River Site and Rocky Flats Environmental Technology Site. His time there taught him the value of environmental cleanup, and was critical to his next job as assistant manager for the Central Plateau in the Richland Operations Office. He proved himself in this role, and was named manager of the Richland Operations Office in 2010.

It is clear to me that Washington State has benefitted from Mr. McCormick's leadership. As a part of the Manhattan Project, the Hanford Nuclear Reservation produced plutonium from 1944 until 1987. The people of the Tri-Cities sacrificed for the strength and safety of our Nation, and cleanup of the Hanford site is an ongoing challenge. Mr. McCormick has shown tremendous dedication to this task, and has helped ensure that the cleanup efforts at Hanford continue to move forward in a meaningful and timely fashion.

Mr. McCormick was part of the team that set forward a path to protect the Columbia River and reduce the active footprint of the Hanford site by focusing on cleanup projects along the shoreline under the 2015 Vision. During his tenure, the remaining plutonium left in the Plutonium Finishing Plant after the Cold War was stabilized, packaged, and shipped offsite and out of the State of Washington. Cleanup was completed at the first reactor area—F Reactor, and a total of seven of nine nuclear reactors were placed in interim safe storage. Significant progress has been made in protecting the Columbia River from contaminated groundwater through the construction of the 200 West Pump and Treat Facility in the Central Plateau and three new pump and treat facilities along the Columbia River. Most importantly, Mr. McCormick has strived to ensure that local communities, tribal nations, and stakeholders know their voices are being heard.

Mr. McCormick's success in carrying out the cleanup mission at Hanford was aided by his ability to build relationships, including with me and members of my staff. When he was made manager almost 4 years ago, I knew that the Tri-Cities community and Washington State as a whole could count on his leadership. Today I join with others throughout the Pacific Northwest in thanking him for his years of service. I congratulate Mr. McCormick on his retirement, and wish him the best of luck in moving forward.●

REMEMBERING RAYMOND J.W. SCHUMACHER

● Mr. TESTER. Madam President, today I wish to honor Raymond J.W. Schumacher, a veteran of the Second World War.

It is my honor to share the story of Raymond's service, because no veteran's story should ever go unrecognized.

Raymond was born in Leechburg, PA in 1913. In May of 1943, he enlisted with the Army Air Corps. He was assigned to the 8th Air Force, 351st Bombardment Group.

Raymond served as a wing gunner on a B–17 bomber crew. The unit was stationed in England and carried out daytime bombing operations across Western Europe.

The 351st was responsible for crippling attacks to German infrastructure and even supported the Allied landing at Normandy in June of 1944. After the Allies won the war, Raymond left the Army Air Corps as a staff sergeant in September of 1945.

He returned home to Pennsylvania where he and his wife Treva raised their son Raymond II and their daughter Karen. Raymond spent the next several years serving as a guard for First Sterling steel mill. Raymond passed away on July 14, 1964.

Last week, it was my honor to present Raymond and Karen with their father's Distinguished Flying Cross, Air Medal with Four Bronze Oak Leaf Clusters, and the European-African-Middle Eastern Campaign Medal with Four Bronze Service Stars.

It was my honor to also present a World War II Victory Medal, an Army Good Conduct Medal, and an Honorable Service Lapel Button World War II.

These decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

TRIBUTE TO JERRY COONEY

● Mr. TESTER. Madam President, I wish to honor Jerry Eugene Cooney, a veteran of the U.S. Navy.

It is my honor to share the story of Jerry's service, because no veteran's story should ever go unrecognized.

Jerry was born in Billings, MT in 1946. After graduating from Joliet High School in 1965, Jerry joined the U.S. Navy. He underwent basic training in San Diego before being assigned to the Seabees' 21st Naval Construction Regiment in Davisville, RI. In October of 1966, the Twenty-first went to Da Nang, Vietnam where it constructed a Marine base.

During his tour in Vietnam, Jerry's unit was under constant enemy fire for which he earned a Combat Action Ribbon. Jerry returned to the United States in July of 1967. After a short leave, Jerry joined an advance team to Antarctica in September of 1967 where he spent the summer expanding McMurdo Station.

Following his stop in Antarctica, Jerry spent the remainder of his service as part of a five-man exhibition team tasked with representing the Seabees across the country. Jerry mustered out of Active Duty in September of 1968 and joined the Retired Reserves.

In 1969, Jerry married Lori and together they had two children and six grandchildren. Jerry worked for Montana-Dakota utilities for 35 years before he retired in 2006.

Last month, in the presence of his wife Lori, it was my honor to present Jerry with the National Defense Service Medal, Vietnam Service Medal with Two Bronze Stars, and Navy Unit Commendation Ribbon.

It was my honor to also present a Combat Action Ribbon, Antarctica Service Medal, and a Discharge Button.

These decorations are small tokens, but they are powerful symbols of true

heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. LEAHY) reported that he had signed the following enrolled bill, which was previously signed by the Speaker pro tempore of the House (Mr. THORNBERRY):

S. 611. An act to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2422. A bill to improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 3, 2014, she had presented to the President of the United States the following enrolled bill:

S. 611. An act to make a technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5890. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Warfighter Information Network-Tactical Increment 3 program; to the Committee on Armed Services.

EC–5891. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777a, for a period not to exceed 14 days before assuming the duties of the position for which the higher grade is authorized; to the Committee on Armed Services.

EC–5892. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5893. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral William L. Copeman III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5894. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Charles W. Martoglio, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–5895. A communication from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exchange of Mutilated Paper Currency'' (31 CFR Part 100) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5896. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Corrections and Clarifications to the Export Administration Regulations; Conforming Changes to the EAR based on Amendments to the International Traffic in Arms Regulations'' (RIN0694–AG11) received during adjournment of the Senate in the Office of the President of the Senate on May 29, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–5897. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Kingdom; to the Committee on Banking, Housing, and Urban Affairs.

EC–5898. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council 2014 annual report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–5899. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–339, ''Underinsured Motorist Carrier Fairness Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–5900. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–340, ''Breastmilk Bank and Lactation Support Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–5901. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 20–341, ''Comprehensive Code of Conduct and BEGA Amendment Act of 2014''; to the Committee on Homeland Security and Governmental Affairs.

EC–5902. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment'' (RIN3206–AM89) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5903. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5904. A communication from the Director, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Corporation for National and Community Service's Report on Final Action for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5905. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2012–016, Defense Base Act'' (RIN9000–AM50) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5906. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2012–028, Contractor Comment Period, Past Performance Evaluations'' (RIN9000–AM40) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5907. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2012–017, Expansion of Applicability of the Senior Executive Compensation Benchmark'' (RIN9000–AM38) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5908. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2014–016, Repeal of the Recovery Act Reporting Requirements'' (RIN9000–AM77) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5909. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2012–024, Commercial and Government Entity Code'' (RIN9000–AM49) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5910. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–74, Introduction'' (FAC 2005–74) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5911. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–74, Small Entity Compliance Guide'' (FAC 2005–74) received in the Office of the President of the Senate on June 2, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5912. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2013, through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5913. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5914. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October

1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5915. A communication from the Chairwoman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5916. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–5917. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2013 through March 31, 2014; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–241. A resolution adopted by the Legislature of Rockland County, New York, urging the United States Congress to pass H.R. 4065 and S. 2032—The Smartphone Theft Protection Act; to the Committee on Commerce, Science, and Transportation.

POM–242. A resolution adopted by the Legislature of Rockland County, New York, expressing support for the energetic advocacy of federal representatives for increasing the strictness of the regulations that govern rail transport of hazardous liquids; to the Committee on Commerce, Science, and Transportation.

POM–243. A resolution adopted by the Council of the City of Santa Ana, California, expressing support for comprehensive federal immigration reform and urging the 113th Congress to enact reforms that secure our borders, ensure economic strength, and promote stronger communities; to the Committee on the Judiciary.

POM–244. A resolution approved by the Town Board, Town of Jefferson, Wisconsin, supporting the passage of an amendment to the United States Constitution regarding constitutional rights and political spending; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. ENZI, Mr. THUNE, Mr. PAUL, Mr. BLUNT, Mr. VITTER, and Mrs. FISCHER):

S. 2414. A bill to amend the Clean Air Act to prohibit the regulation of emissions of carbon dioxide from new or existing power plants under certain circumstances; to the Committee on Environment and Public Works.

By Mr. CRUZ:

S. 2415. A bill to amend the Federal Election Campaign Act of 1971 to eliminate limitations on direct contributions to candidates, to require disclosure of certain contributions within 24 hours of receipt, and for other purposes; to the Committee on Rules and Administration.

By Mr. CRUZ:

S. 2416. A bill to apply laws that restrict the political speech of American citizens to media corporations; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNET (for himself and Mr. TESTER):

S. 2417. A bill to provide greater controls and restriction on revolving door lobbying; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself and Ms. WARREN):

S. 2418. A bill to amend title 11 and title 29, United States Code, to increase the amount of unsecured claims for salaries and wages given priority in bankruptcy, to provide for payments to retirees to compensate for lost health insurance benefits resulting from the bankruptcy of their former employer, to protect the health benefits of employees and retirees, and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY:

S. 2419. A bill to protect America's veterans from dishonesty and malfeasance in the delivery of medical services and to hold the Department of Veterans Affairs accountable to those they serve; to the Committee on Veterans' Affairs.

By Mrs. FISCHER:

S. 2420. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes; to the Committee on the Budget.

By Mr. CORKER (for himself and Mr. COONS):

S. 2421. A bill to amend the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to reform the Food for Peace Program, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANDERS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mrs. SHAHEEN, Mr. KAINE, Mr. REED, Mr. MERKLEY, Mr. CASEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. UDALL of New Mexico, Mr. SCHATZ, Ms. BALDWIN, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, Ms. HEITKAMP, Ms. LANDRIEU, Mr. BOOKER, Mr. DURBIN, Mr. SCHUMER, and Ms. HIRONO):

S. 2422. A bill to improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes; read the first time.

By Mrs. SHAHEEN:

S. 2423. A bill to improve wait times for appointments for hospital care, medical services, and other health care from the Department of Veterans Affairs, to improve accountability of employees responsible for long wait times for such appointments, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself, Mr. COBURN, Mr. BURR, Mr. FLAKE, Mr. ISAKSON, Mr. INHOFE, Mr. GRASSLEY, Mr. ROBERTS, Mr. HOEVEN, Mr. COATS, Mr. BARRASSO, Mr. JOHANNS, Mr. RUBIO, Mr. CORNYN, Mr. ALEXANDER, Mr. KIRK, Mr. WICKER, Mrs. FISCHER, Mr. PORTMAN, Mr. TOOMEY, Mr. BOOZMAN, Mr. MORAN, Mr. THUNE, Mr. SCOTT, Mr. ENZI, and Mr. GRAHAM):

S. 2424. A bill to provide veterans with the choice of medical providers and to increase transparency and accountability of operations of the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON of South Dakota (for himself and Mr. KIRK):

S. Res. 464. A resolution designating June 2014 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia; considered and agreed to.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. Res. 465. A resolution commemorating the centennial of Webster University; considered and agreed to.

By Ms. AYOTTE (for herself and Ms. KLOBUCHAR):

S. Res. 466. A resolution designating the week of October 27 through November 2, 2014, as ''National Drug Take-Back Week'', and designating October 2014 as ''National Prescription Opioid and Heroin Abuse Awareness Month''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 162

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

S. 429

At the request of Mr. NELSON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 429, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 709

At the request of Ms. STABENOW, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 709, a bill to amend title XVIII of the Social Security Act to increase diagnosis of Alzheimer's disease and related dementias, leading to better care and outcomes for Americans living with Alzheimer's disease and related dementias.

S. 895

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 895, a bill to improve the ability of the Food and Drug Administration to study the use of antimicrobial drugs in food-producing animals.

S. 1011

At the request of Mr. JOHANNS, the name of the Senator from Hawaii (Mr.

SCHATZ) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1066

At the request of Mrs. GILLIBRAND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1066, a bill to allow certain student loan borrowers to refinance Federal student loans.

S. 1324

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1324, a bill to prohibit any regulations promulgated pursuant to a presidential memorandum relating to power sector carbon pollution standards from taking effect.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1341

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. WALSH) was added as a cosponsor of S. 1341, a bill to modify the Forest Service Recreation Residence Program as the program applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1656

At the request of Mr. ALEXANDER, his name was added as a cosponsor of S. 1656, a bill to clarify that volunteers at a children's consignment event are not employees under the Fair Labor Standards Act of 1938.

S. 1688

At the request of Mr. KIRK, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1688, a bill to award the Congressional Gold Medal to the members of the Office of Strategic Services (OSS), collectively, in recognition of their superior service and major contributions during World War II.

S. 1695

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1695, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1708

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1708, a bill to amend title 23, United States Code, with respect to the establishment of performance measures for the highway safety improvement program, and for other purposes.

S. 1965

At the request of Mr. WALSH, his name was added as a cosponsor of S. 1965, a bill to amend the East Bench Irrigation District Water Contract Extension Act to permit the Secretary of the Interior to extend the contract for certain water services.

S. 1979

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1979, a bill to provide for USA Retirement Funds, to reform the pension system, and for other purposes.

S. 2004

At the request of Mr. BEGICH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2004, a bill to ensure the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.

S. 2013

At the request of Mr. RUBIO, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. BARRASSO), the Senator from Alabama (Mr. SESSIONS), the Senator from Montana (Mr. WALSH), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 2013, a bill to amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

S. 2031

At the request of Ms. BALDWIN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2031, a bill to amend the Act to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes, to adjust the boundary of that National Lakeshore to include the lighthouse known as Ashland Harbor Breakwater Light, and for other purposes.

S. 2070

At the request of Mr. MARKEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2070, a bill to reduce the number of nuclear-armed submarines operated by the Navy, to prohibit the development of a new long-range penetrating bomber aircraft, to prohibit the procurement of new intercontinental ballistic missiles, and for other purposes.

S. 2192

At the request of Mr. MARKEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2192, a bill to amend the National Alzheimer's Project Act to require the Director of the National Institutes of Health to prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institutes) for the initiatives of the National Institutes of Health pursuant to such an Act.

S. 2270

At the request of Ms. COLLINS, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Delaware (Mr. CARPER) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 2270, a bill to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

At the request of Mr. BROWN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 2270, supra.

S. 2292

At the request of Ms. WARREN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2359

At the request of Mr. FRANKEN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 2359, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 2371

At the request of Mr. PORTMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2371, a bill to amend the Congressional Budget Act of 1974 to provide for macroeconomic analysis of the impact of major revenue legislation.

S. 2395

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2395, a bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

S. 2399

At the request of Mr. BEGICH, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 2399, a bill to safeguard the voting rights of Native American and Alaska Native voters and to provide the resources and oversight necessary to ensure equal access to the electoral process.

S. 2413

At the request of Mr. SANDERS, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. UDALL), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2413, a bill to improve the provision of medical services and benefits to veterans, and for other purposes.

S. RES. 451

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 451, a resolution recalling the Government of China's forcible dispersion of those peaceably assembled in Tiananmen Square 25 years ago, in light of China's continued abysmal human rights record.

S. RES. 453

At the request of Mr. RUBIO, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 453, a resolution condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. ENZI, Mr. THUNE, Mr. PAUL, Mr. BLUNT, Mr. VITTER, and Mrs. FISCHER):

S. 2414. A bill to amend the Clean Air Act to prohibit the regulation of emissions of carbon dioxide from new or existing power plants under certain circumstances; to the Committee on Environment and Public Works.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coal Country Protection Act'' or the ''Protecting Jobs, Families, and the Economy From EPA Overreach Act''.

SEC. 2. REGULATION OF EMISSIONS OF CARBON DIOXIDE FROM NEW OR EXISTING POWER PLANTS.

(a) LIMITATION ON REGULATION.—The Clean Air Act is amended by inserting after section 312 (42 U.S.C. 7612) the following:

''SEC. 313. LIMITATION ON REGULATION OF EMISSIONS OF CARBON DIOXIDE FROM NEW OR EXISTING POWER PLANTS.

''(a) DEFINITION OF NEW OR EXISTING POWER PLANT.—In this section, the term 'new or existing power plant' means a fossil fuel-fired power plant that commences operation at any time.

''(b) LIMITATION.—Notwithstanding any other provision of law (including regulations), the Administrator may not promulgate any regulation or guidance that limits or prohibits any new carbon dioxide emissions from a new or existing power plant, and no such regulation or guidance shall have any force or effect, until the date on which—

''(1) the Secretary of Labor certifies to the Administrator that the regulation or guidance will not generate any loss of employment;

''(2) the Director of the Congressional Budget Office certifies to the Administrator that the regulation or guidance will not result in any loss in the gross domestic product of the United States;

''(3) the Administrator of the Energy Information Administration certifies to the Administrator that the regulation or guidance will not generate any increase in electricity rates in the United States; and

''(4) the Chairperson of the Federal Energy Regulatory Commission and the President of the North American Electric Reliability Corporation certify to the Administrator the reliability of electricity delivery under the regulation or guidance.''.

(b) TECHNICAL CORRECTION.—The Clean Air Act is amended by redesignating the second section 317 (42 U.S.C. 7617) (relating to economic impact assessment) as section 318.

By Mr. SANDERS (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Mrs. SHAHEEN, Mr. KAINE, Mr. REED, Mr. MERKLEY, Mr. CASEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. UDALL of New Mexico, Mr. SCHATZ, Ms. BALDWIN, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, Ms. HEITKAMP, Ms. LANDRIEU, Mr. BOOKER, Mr. DURBIN, Mr. SCHUMER, and Ms. HIRONO):

S. 2422. A bill to improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes; read the first time.

Mr. SANDERS. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, I rise today to introduce the Ensuring Veterans Access to Care Act of 2014.

I thank the 16 cosponsors of this legislation, and they are Senators ROCKEFELLER, BEGICH, SHAHEEN, KAINE, REED, MERKLEY, CASEY, WHITEHOUSE, BLUMENTHAL, HEINRICH, UDALL of New Mexico, SCHATZ, BALDWIN, WYDEN, HIRONO, and LEAHY.

It is safe to say there is broad bipartisan agreement among all of us that every veteran in this country who enters the VA health care system deserves high-quality care and deserves that care in a timely manner.

Overall, talking to veterans in Vermont and, in fact, throughout this country, talking to the veterans service organizations who represent their interests and reading independent studies, they all confirm that by and large, once veterans get into the VA health care system, the system is, in fact, quite good.

However, it has become clear—and I think all of us are aware of what has happened in the last month—that while quality is generally good, there are too many veterans throughout this country waiting too long to access this care.

In recent years, the VA has seen a huge increase in its patient load.

In fact, in the last 4 years, 2 million new veterans have come into the system, many of them with very complicated health care cases, including TBI, post-traumatic stress disorder, and many of the needs that older veterans and older people generally have.

Despite this fact, it is still absolutely unacceptable that some veterans are forced onto long waiting lists for care, and it is totally intolerable—it is reprehensible—that any VA employee could be manipulating data in Phoenix or anyplace else to hide how long veterans have been on waiting lists to see doctors. This is an issue that must be dealt with and must be dealt with rapidly and strongly.

These problems are real, and they have to be addressed. But they should not be an excuse to walk away from a system that serves 6.5 million veterans every single year and 230,000 veterans every single day. This is a system we must fix, not a system that we should ditch.

We must focus on the underlying problems and work to transform the VA.

In general, what our legislation does is it works in three basic areas. No. 1, we give greater authority to the Secretary to fire incompetent senior officials. No. 2, we take very significant steps to shorten the wait times that many veterans are now experiencing. And No. 3, we address the long-term health care needs of the VA in terms of a shortage of staff, doctors, and nurses that currently exists in various locations around the country.

Let me go through some of those issues right now.

Several weeks ago my Republican colleague from Florida requested a vote on legislation that would allow VA Secretaries to immediately remove senior executives due to poor performance.

So let us be clear. I strongly support the effort to make sure that we get rid of incompetent or worse senior executives at the VA. There is no debate about that. But here is what the debate is about. I do not think it is a good idea to give the Secretary of an institution, of an agency that has some 300,000 employees, the ability to simply fire without any due process.

What I worry about is that you can move toward a situation where the VA health care system is politicized in a way that it should not be.

Let me give an example. A new President comes in with a new Secretary. The new Secretary says—whether it is a Democratic President or a Republican President—I want to get rid of 300 senior-level appointees and bring in 300 new people. Four years later, another President comes in—different party—and says: We are going to get rid of those 300 people and bring in 300 more people.

I do not think that provides the kind of stability that the largest integrated

health care system in America needs or deserves. I worry about the politicization.

Second, I worry about an instance where a whistleblower stands up who is critical of this or that aspect of the VA. That person could be fired without due process.

I worry there may be a situation where somebody is fired—not because of bad performance; maybe they are a woman and somebody doesn't like a woman in that position; maybe they are gay, maybe they are black, maybe they are whatever—and that person does not have any ability to appeal that decision.

I think that is wrong. I think that is bad policy. On the other hand, what I do believe is that person should be taken out of his or her job immediately, but that person must have the right to have an expedited appeal.

What our legislation does is give the person a week to bring forth the appeal and gives the appropriate appeal body 3 weeks to make a decision.

Now, we are dealing with people who are M.D.s, Ph.D.s, high-level people whose professionalism is on the line. I don't think you can fire people willy-nilly without giving them a chance in an expedited manner to express their point of view.

That is one difference I have with my colleague from Florida on his proposal.

Let me talk a little bit about the major concern I have; that is, how do we shorten wait times? How do we make certain in those areas of the country where there are long waiting periods or where veterans may be geographically a long distance away from a facility that they get timely care?

The legislation that I have authored takes immediate action to provide timely access for care for our veterans. First, this legislation would standardize VA's process for providing non-VA care when the Department is unable to provide care to the veterans within its stated goal. As the DVA—Disabled American Veterans—pointed out in a release today, VA must continue to be responsible for coordinating their care amongst various VA and non-VA providers. This legislation accomplishes that goal by providing a framework for consistent decision-making regarding non-VA care. Under this legislation VA would coordinate non-VA care by taking into account wait times for care, the health of the veteran, the distance the veteran would be required to travel, as well as the veteran's choice.

This bill also addresses VA system-wide health care provider shortages. But in terms of the wait lists, what we say in English is: If there is an unacceptable wait time or if a veteran is a long distance away from a provider, we are going to allow—and we must allow—that veteran to get health care through a private provider, through a federally qualified community health center, through a Department of Defense military base, if that is available, through an Indian health service, if that is available—and that exists now in Alaska—and that might be expanded. So the bottom line is if there are waiting lists beyond what is reasonable, the veterans in this country should be able to get into non-VA health care in a timely manner, and this bill does that.

But importantly, this bill also addresses a very significant issue that I think we cannot ignore, and that is it appears to me that in many parts of this country we simply don't have the doctors and nurses we need when an influx of veterans is coming into the system.

I was talking to some very knowledgeable people today who were telling me about burnout. Primary care physicians and psychiatrists are seeing many more patients and turnover rates are much too high. The last thing we want to do is to see rapid turnover because people are burnt out and don't have the time to do the quality work they want to do.

Let me quote an article that appears in the New York Times on May 29 which addresses this issue. This is what it says:

> Dr. Phyllis Hollenbeck, a primary care physician, took a job at the Veterans Affairs medical center in Jackson, Miss., in 2008 expecting fulfilling work and a lighter patient load than she had in private practice. What she found was quite different: 13-hour workdays fueled by large patient loads that kept growing as colleagues quit and were not replaced.
>
> Appalled by what she saw, Dr. Hollenbeck filed a whistle-blower complaint and changed jobs. A subsequent investigation by the Department of Veterans Affairs concluded last fall that indeed the Jackson hospital did not have enough primary care doctors, resulting in nurse practitioners' handling far too many complex cases and in numerous complaints from veterans about the delayed care. ''It was unethical to put us in that position,'' Dr. Hollenbeck said of the overstressed primary care unit in Jackson. ''Your heart gets broken.''

In this case we had a physician who wanted to do the right thing, wanted to spend the appropriate amounts of time that were needed with the patients, and she was unable to do that. What we are hearing is in many parts of this country primary care physicians are saying: We cannot do it; too many people are coming in. This is an issue that has to be addressed, and our legislation does that.

Our legislation gives the VA the ability to rapidly hire new doctors, nurses, and other health care providers in areas with identified shortages. It also enables VA's ability to recruit qualified health providers by enhancing scholarship and loan repayment opportunities.

As the Presiding Officer well knows as a member of the committee that deals with this issue, we have a crisis in this country in terms of the lack of primary care practitioners. This is a very serious problem. There are experts who tell us, in fact, that we need 50,000 new primary care physicians in the next 10 to 15 years. This is a national problem, it is a problem within the VA, and what this legislation proposes is that the VA work with the National Health Service Corps in order to provide debt forgiveness, scholarships to medical school students, so when they graduate they can get into the VA and practice the quality medicine we need there.

This bill addresses another issue that has been discussed a lot—and there is widespread bipartisan support for this and support in the House as well—and that is the authorization of 27 major medical facility leases. In many instances these leases would improve access to care closer to home and would increase the availability of specialty care services in those locations that would allow the VA to decompress overutilized VA facilities. This is an important issue in this legislation and I believe there is bipartisan support for it.

Furthermore, this bill would require the President to create a commission to look at VA health care access issues and recommend action to bolster capacity. In the last couple of days I have heard a lot of good ideas about how we can deal with the issue, but we need a high-level commission of some of the most knowledgeable people in this country appointed by the President to report within 90 days some ideas of how the VA can proceed.

I want to thank the 16 or so cosponsors we have. I look forward to working with my Republican colleagues. We have got a problem we have to address, and I hope we can do it in a bipartisan way.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ensuring Veterans Access to Care Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVEMENT OF SCHEDULING SYSTEM FOR HEALTH CARE APPOINTMENTS

Sec. 101. Implementation of upgraded Department of Veterans Affairs electronic scheduling system for appointments for receipt of health care from the Department.

Sec. 102. Independent assessment of the scheduling process for medical appointments for care from Department of Veterans Affairs.

TITLE II—TRAINING AND HIRING OF HEALTH CARE STAFF

Sec. 201. Modification of liability for breach of period of obligated service under Health Professionals Educational Assistance Program for primary care physicians.

Sec. 202. Program of education at Uniformed Services University of the Health Sciences with specialization in primary care.
Sec. 203. Treatment of staffing shortage and biannual report on staffing of medical facilities of the Department of Veterans Affairs.
Sec. 204. Clinic management training program of the Department of Veterans Affairs.
Sec. 205. Inclusion of Department of Veterans Affairs facilities in National Health Service Corps Scholarship and loan repayment programs.
Sec. 206. Authorization of emergency appropriations.

TITLE III—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

Sec. 301. Improvement of access by veterans to health care from non-Department of Veterans Affairs providers.
Sec. 302. Extension of and report on joint incentives program of Department of Veterans Affairs and Department of Defense.
Sec. 303. Transfer of authority for payments for hospital care, medical services, and other health care from non-Department providers to the Chief Business Office of the Veterans Health Administration of the Department.
Sec. 304. Enhancement of collaboration between Department of Veterans Affairs and Indian Health Service.
Sec. 305. Enhancement of collaboration between Department of Veterans Affairs and Native Hawaiian health care systems.
Sec. 306. Authorization of emergency appropriations.

TITLE IV—HEALTH CARE ADMINISTRATIVE MATTERS

Sec. 401. Improvement of access of veterans to mobile vet centers of the Department of Veterans Affairs.
Sec. 402. Commission on Access to Care.
Sec. 403. Commission on Capital Planning for Department of Veterans Affairs Medical Facilities.
Sec. 404. Removal of Senior Executive Service employees of the Department of Veterans Affairs for performance.

TITLE V—MAJOR MEDICAL FACILITY LEASES

Sec. 501. Authorization of major medical facility leases.
Sec. 502. Budgetary treatment of Department of Veterans Affairs major medical facilities leases.

TITLE I—IMPROVEMENT OF SCHEDULING SYSTEM FOR HEALTH CARE APPOINTMENTS

SEC. 101. IMPLEMENTATION OF UPGRADED DEPARTMENT OF VETERANS AFFAIRS ELECTRONIC SCHEDULING SYSTEM FOR APPOINTMENTS FOR RECEIPT OF HEALTH CARE FROM THE DEPARTMENT.

(a) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than March 31, 2016, the Secretary of Veterans Affairs shall fully implement an upgraded and centralized electronic scheduling system described in subsection (b) for appointments by eligible individuals for health care from the Department of Veterans Affairs.

(2) AGILE SOFTWARE DEVELOPMENT METHODOLOGIES.—In implementing the upgraded electronic scheduling system required by paragraph (1), the Secretary shall use agile software development methodologies to fully implement portions of such system every 180 days beginning on the date on which the Secretary begins the implementation of such system, or enters into a contract for the implementation of such system, and ending on the date on which such system is fully implemented.

(b) ELECTRONIC SCHEDULING SYSTEM.—The upgraded electronic scheduling system described in this subsection shall include mechanisms to achieve the following:

(1) An efficient and effective graphical user interface with a calendar view for use by employees of the Department in scheduling appointments that enables error-free scheduling of the health care resources of the Department.

(2) A capability to assist employees of the Department to easily and consistently implement policies of the Department with respect to scheduling of appointments, including with respect to priority for appointments for certain eligible individuals.

(3) A capability for employees of the Department to sort and view through a unified interface the availability for each health care provider of the Department or other health care resource of the Department.

(4) A capability for employees of the Department to sort and view appointments for and appointment requests made by a particular eligible individual.

(5) A capability for seamless coordination of appointments for primary care, specialty care, consultations, or any other health care matter among facilities of the Department.

(6) A capability for eligible individuals to access the system remotely and schedule appointments directly through the system.

(7) An electronic timestamp of each activity made by an eligible individual or on behalf of such individual with respect to an appointment or the scheduling of an appointment that shall be kept in the medical record of such individual.

(8) A seamless connection to the Computerized Patient Record System of the Department so that employees of the Department, when scheduling an appointment for an eligible individual, have access to recommendations from the health care provider of such individual with respect to when such individual should receive an appointment.

(9) A capability to provide automated reminders to eligible individuals on upcoming appointments through various electronic and voice media.

(10) A capability to provide automated reminders to employees of the Department when an eligible individual who is on the wait-list for an appointment becomes eligible to schedule an appointment.

(11) A dashboard capability to support efforts to track the following metrics in aggregate and by medical facility with respect to health care provided to eligible individuals under the laws administered by the Secretary:

(A) The number of days into the future that the schedules of health care providers are available to schedule an appointment.

(B) The number of providers available to see patients each day.

(C) The number of support personnel working each day.

(D) The types of appointments available.

(E) The rate at which patients fail to appear for appointments.

(F) The number of appointments canceled by a patient on a daily basis.

(G) The number of appointments canceled by a health care provider on a daily basis.

(H) The number of patients on the wait list at any given time.

(I) The number of appointments scheduled on a daily basis;

(J) The number of appointments available to be scheduled on a daily basis.

(K) The number of patients seen on a daily, weekly, and monthly basis.

(L) Wait-times for an appointment with a health care provider of the Department.

(M) Wait-times for an appointment with a non-Department health care provider.

(N) Wait-times for a referral to a specialist or consult.

(12) A capability to provide data on the capacity of medical facilities of the Department for purposes of determining the resources needed by the Department to provide health care to eligible individuals.

(13) Any other capabilities as specified by the Secretary for purposes of this section.

(c) PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a plan for implementing the upgraded electronic scheduling system required by subsection (a).

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A description of the priorities of the Secretary for implementing the requirements of the system under subsection (b).

(B) A detailed description of the manner in which the Secretary will fully implement such system, including deadlines for completing each such requirement.

(3) UPDATE.—Not later than 90 days after the submittal of the plan required by paragraph (1), and not less frequently than every 90 days thereafter until such system is fully implemented, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives an update on the status of the implementation of such plan.

(d) USE OF AMOUNTS.—The Secretary may use amounts available to the Department of Veterans Affairs for the appropriations account under the heading ''MEDICAL SERVICES'' in implementing and carrying out the upgraded electronic scheduling system required by subsection (a).

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ''eligible individual'' means an individual eligible for hospital, nursing home, domiciliary, medical care, or other health care under the laws administered by the Secretary of Veterans Affairs.

SEC. 102. INDEPENDENT ASSESSMENT OF THE SCHEDULING PROCESS FOR MEDICAL APPOINTMENTS FOR CARE FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) INDEPENDENT ASSESSMENT.—

(1) CONTRACT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veteran Affairs shall enter into a contract with an independent third party to assess the process at each medical facility of the Department of Veterans Affairs for scheduling appointments for veterans to receive hospital care, medical services, or other health care from the Department.

(2) ELEMENTS.—In carrying out the assessment required by paragraph (1), the independent third party shall do the following:

(A) Review all training materials pertaining to scheduling of appointments at each medical facility of the Department.

(B) Assess whether all employees of the Department conducting tasks related to scheduling are properly trained for conducting such tasks.

(C) Assess whether changes in the technology or system used in scheduling appointments are necessary to limit access to the system to only those employees that have been properly trained in conducting such tasks.

(D) Assess whether health care providers of the Department are making changes to their schedules that hinder the ability of employees conducting such tasks to perform such tasks.

(E) Assess whether the establishment of a centralized call center throughout the Department for scheduling appointments at medical facilities of the Department would improve the process of scheduling such appointments.

(F) Assess whether booking templates for each medical facility or clinic of the Department would improve the process of scheduling such appointments.

(G) Recommend any actions to be taken by the Department to improve the process for scheduling such appointments, including the following:

(i) Changes in training materials provided to employees of the Department with respect to conducting tasks related to scheduling such appointments.

(ii) Changes in monitoring and assessment conducted by the Department of wait-times of veterans for such appointments.

(iii) Changes in the system used to schedule such appointments, including changes to improve how the Department—

(I) measures wait-times of veterans for such appointments;

(II) monitors the availability of health care providers of the Department; and

(III) provides veterans the ability to schedule such appointments.

(iv) Such other actions as the independent third party considers appropriate.

(3) TIMING.—The independent third party carrying out the assessment required by paragraph (1) shall complete such assessment not later than 180 days after entering into the contract described in such paragraph.

(b) REPORT.—Not later than 90 days after the date on which the independent third party completes the assessment under this section, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the results of such assessment.

TITLE II—TRAINING AND HIRING OF HEALTH CARE STAFF

SEC. 201. MODIFICATION OF LIABILITY FOR BREACH OF PERIOD OF OBLIGATED SERVICE UNDER HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM FOR PRIMARY CARE PHYSICIANS.

Section 7617 of title 38, United States Code, is amended—

(1) In subsection (c)(1), by striking ''If a participant'' and inserting ''Except as provided in subsection (d), if a participant''; and

(2) by adding at the end the following new subsection:

''(d) Liability shall not arise under subsection (c) in the case of a participant otherwise covered by that subsection who has pursued a course of education or training in primary care if—

''(1) the participant—

''(A) does not obtain, or fails to maintain, employment as a Department employee due to staffing changes approved by the Under Secretary for Health; or

''(B) does not obtain, or fails to maintain, employment in a position of primary care physician in the Veterans Health Administration due, as determined by the Secretary, to a number of primary care physicians in the Administration that is excess to the needs of the Administration; and

''(2) the participant agrees to accept and maintain employment as a primary care physician with another department or agency of the Federal Government (with such employment to be under such terms and conditions as are jointly agreed upon by the participant, the Secretary, and the head of such department or agency, including terms and conditions relating to a period of obligated service as a primary care physician with such department or agency) if such employment is offered to the participant by the Secretary and the head of such department or agency.''.

SEC. 202. PROGRAM OF EDUCATION AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES WITH SPECIALIZATION IN PRIMARY CARE.

(a) PROGRAM REQUIRED UNDER HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 76 of title 38, United States Code, is amended by adding after subchapter VII the following new subchapter:

''SUBCHAPTER VIII—PROGRAM OF EDUCATION AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES WITH SPECIALIZATION IN PRIMARY CARE

''§ 7691. Authority for program

''As part of the Educational Assistance Program, the Secretary shall, in collaboration with the Secretary of Defense, carry out a program to permit individuals to enroll in the Uniformed Services University of the Health Sciences under chapter 104 of title 10 to pursue a medical education with a specialization in primary care. The program shall be known as the Department of Veterans Affairs Primary Care Educational Assistance Program (in this chapter referred to as the 'Primary Care Educational Assistance Program').

''§ 7692. Selection; agreement; ineligibility for certain other educational assistance

''(a) SELECTION.—(1) Medical students at the Uniformed Services University of the Health Sciences pursuant to the Primary Care Educational Assistance Program shall be selected by the Secretary, in consultation with the Secretary of Defense, in accordance with procedures established by the Secretaries for purposes of the Program.

''(2) The procedures referred to in paragraph (1) shall emphasize the basic requirement that students demonstrate a motivation and dedication to a medical career in primary care.

''(3) The number of medical students selected each year for first-year enrollment in the University pursuant to this subsection shall be jointly determined by the Secretary and the Secretary of Defense.

''(b) AGREEMENT.—An agreement between the Secretary and a participant in the Primary Care Educational Assistance Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

''(1) The Secretary's agreement to cover the costs of the participant's education and training at the Uniformed Services University of the Health Sciences under chapter 104 of title 10 as if the participant were a medical student enrolled in the University pursuant to section 2114 of title 10.

''(2) The participant's agreement to serve as a full-time employee in the Veterans Health Administration in a position as a primary care physician for a period of time (in this subchapter referred to as the 'period of obligated service') of one calendar year for each school year or part thereof for which the participant was a medical student at the Uniformed Services University of the Health Sciences pursuant to the Primary Care Educational Assistance Program, but for not less than one year.

''(c) INELIGIBILITY FOR OTHER EDUCATIONAL ASSISTANCE.—An individual who receives education and training under the Primary Care Educational Assistance Program shall not be eligible for other assistance under this chapter in connection with such education and training.

''§ 7693. Obligated service

''(a) IN GENERAL.—Each participant in the Primary Care Educational Assistance Program shall provide service as a full-time employee of the Department in the Veterans Health Administration in a primary care position for the period of obligated service provided in the agreement of the participant entered into for purposes of this subchapter. Such service shall be provided in a full-time primary care clinical practice in an assignment or location determined by the Secretary.

''(b) SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

''(2) As soon as possible after a participant's service commencement date, the Secretary shall—

''(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

''(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

''(3) A participant's service commencement for purposes of this subsection date is the date upon which the participant becomes licensed to practice medicine in a State.

''(c) COMMENCEMENT OF OBLIGATED SERVICE.—A participant in the Primary Care Educational Assistance Program shall be considered to have begun serving the participant's period of obligated service—

''(1) on the date on which the participant is appointed as a full-time employee in the Veterans Health Administration pursuant to subsection (b)(2)(A); or

''(2) if the participant is a full-time employee in the Veterans Health Administration and assigned to a position pursuant to subsection (b)(2)(B), on the date on which the participant is so assigned to such position.

''§ 7694. Breach of agreement: liability

''(a) LIABILITY DURING COURSE OF EDUCATION OR TRAINING.—(1) A participant in the Primary Care Educational Assistance Program shall be liable to the United States for the amount which has been paid on behalf of the participant under the agreement entered into for purposes of this subchapter if any of the following occurs:

''(A) The participant fails to maintain an acceptable level of academic standing in the Uniformed Services University of the Health Sciences.

''(B) The participant is dismissed from the Uniformed Services University of the Health Sciences for disciplinary reasons.

''(C) The participant voluntarily terminates the course of medical education and training in the Uniformed Services University of the Health Sciences before the completion of such course of education and training.

''(D) The participant fails to become licensed to practice medicine in a State during a period of time determined under regulations prescribed by the Secretary.

''(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement for purposes of this subchapter.

''(b) LIABILITY DURING PERIOD OF OBLIGATED SERVICE.—(1) Except as provided in subsection (c) and subject to paragraph (2), if

a participant in the Primary Care Educational Assistance Program breaches the agreement entered into for purposes of this subchapter by failing for any reason to complete the participant's period of obligated service, the United States shall be entitled to recover from the participant an amount equal to—

''(A) the total amount paid under this subchapter on behalf of the participant; multiplied by

''(B) a fraction—

''(i) the numerator of which is—

''(I) the total number of months in the participant's period of obligated service; minus

''(II) the number of months served by the participant pursuant to the agreement; and

''(ii) the denominator of which is the total number of months in the participant's period of obligated service.

''(2) Any period of internship or residency training of a participant shall not be treated as satisfying the participant's period of obligated service for purposes of this subsection.

''(c) EXCEPTIONS.—Liability shall not arise under subsection (b) in the case of a participant otherwise covered by that subsection if—

''(1) the participant—

''(A) does not obtain, or fails to maintain, employment as a Department employee due to staffing changes approved by the Under Secretary for Health; or

''(B) does not obtain, or fails to maintain, employment in a position of primary care physician in the Veterans Health Administration due, as determined by the Secretary, to a number of primary care physicians in the Administration that is excess to the needs of the Administration; and

''(2) the participant agrees to accept and maintain employment as a primary care physician with another department or agency of the Federal Government (with such employment to be under such terms and conditions as are jointly agreed upon by the participant, the Secretary, and the head of such department or agency, including terms and conditions relating to a period of obligated service as a primary care physician with such department or agency) if such employment is offered to the participant by the Secretary and the head of such department or agency.

''§ 7695. Funding

''(a) IN GENERAL.—Amounts for the Primary Care Educational Assistance Program shall be derived from amounts available to the Secretary for the Veterans Health Administration.

''(b) TRANSFER.—(1) The Secretary shall transfer to the Secretary of Defense amounts required by the Secretary of Defense to carry out the Primary Care Educational Assistance Program.

''(2) Amounts transferred to the Secretary of Defense pursuant to paragraph (1) shall be credited to the appropriation or account providing funding for the Uniformed Services University of the Health Sciences. Amounts so credited shall be merged with amounts in the appropriation or account to which credited and shall be available, subject to the terms and conditions applicable to such appropriation or account, for the Uniformed Services University of the Health Sciences.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by adding after the item relating to section 7684 the following:

''SUBCHAPTER VIII—PROGRAM OF EDUCATION AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES WITH SPECIALIZATION IN PRIMARY CARE

''7691. Authority for program.

''7692. Selection; agreement; ineligibility for certain other educational assistance.

''7693. Obligated service.

''7694. Breach of agreement: liability.

''7695. Funding.''.

(b) INCLUSION OF PROGRAM IN HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM.—Section 7601(a) of such title is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(6) the enrollment of individuals in the Uniformed Services University of the Health Sciences for specialization in primary care provided for in subchapter VIII of this chapter.''.

(c) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—Subsection (a)(1) of section 7603 of such title is amended in the matter preceding subparagraph (A) by striking '', or VI'' and inserting '', VI, or VIII''.

(2) NO PRIORITY FOR APPLICATIONS.—Subsection (d) of such section is amended—

(A) by striking ''In selecting'' and inserting ''(1) Except as provided in paragraph (2), in selecting''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to applicants for participation in the Program of Education at Uniformed Services University of the Health Sciences With Specialization in Primary Care pursuant to subchapter VIII of this chapter.''.

(d) AGREEMENT REQUIREMENTS.—Section 7604 of such title is amended by striking '', or VI'' each place it appears and inserting '', VI, or VIII''.

SEC. 203. TREATMENT OF STAFFING SHORTAGE AND BIANNUAL REPORT ON STAFFING OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STAFFING SHORTAGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than September 30 each year thereafter, the Secretary of Veterans Affairs shall determine, and publish in the Federal Register, the five occupations of health care providers of the Department of Veterans Affairs for which there is the largest staffing shortage throughout the Department.

(2) RECRUITMENT AND APPOINTMENT.—Notwithstanding sections 3304 and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination by the Secretary under paragraph (1) or a modification to such determination under paragraph (2), that there is a staffing shortage throughout the Department with respect to a particular occupation of health care provider, recruit and directly appoint highly qualified health care providers to a position to serve as a health care provider in that particular occupation for the Department.

(3) PRIORITY IN HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM TO CERTAIN PROVIDERS.—Section 7612(b)(5) of title 38, United States Code, is amended—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) shall give priority to applicants pursuing a course of education or training towards a career in an occupation for which the Secretary has, in the most current determination published in the Federal Register pursuant to section 203(a)(1) of the Ensuring Veterans Access to Care Act of 2014, determined that there is one of the largest staffing shortage throughout the Department with respect to such occupation; and''.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each even numbered year thereafter until 2024, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report assessing the staffing of each medical facility of the Department of Veterans Affairs.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The results of a system-wide assessment of all medical facilities of the Department to ensure the following:

(i) Appropriate staffing levels for health care providers to meet the goals of the Secretary for timely access to care for veterans.

(ii) Appropriate staffing levels for support personnel, including clerks.

(iii) Appropriate sizes for clinical panels.

(iv) Appropriate numbers of full-time staff, or full-time equivalent, dedicated to direct care of patients.

(v) Appropriate physical plant space to meet the capacity needs of the Department in that area.

(vi) Such other factors as the Secretary considers necessary.

(B) A plan for addressing any issues identified in the assessment described in subparagraph (A), including a timeline for addressing such issues.

(C) A list of the current wait times and workload levels for the following clinics in each medical facility:

(i) Mental health.

(ii) Primary care.

(iii) Gastroenterology.

(iv) Women's health.

(v) Such other clinics as the Secretary considers appropriate.

(D) A description of the results of the determination of the Secretary under paragraph (1) of subsection (a) and a plan to use direct appointment authority under paragraph (2) of such subsection to fill staffing shortages, including recommendations for improving the speed at which the credentialing and privileging process can be conducted.

(E) The current staffing models of the Department for the following clinics, including recommendations for changes to such models:

(i) Mental health.

(ii) Primary care.

(iii) Gastroenterology.

(iv) Women's health.

(v) Such other clinics as the Secretary considers appropriate.

(F) A detailed analysis of succession planning at medical facilities of the Department, including the following:

(i) The number of positions in medical facilities throughout the Department that are not filled by a permanent employee.

(ii) The length of time each such position described in clause (i) remained vacant or filled by a temporary or acting employee.

(iii) A description of any barriers to filling the positions described in clause (i).

(iv) A plan for filling any positions that are vacant or filled by a temporary or acting employee for more than 180 days.

(v) A plan for handling emergency circumstances, such administrative leave or sudden medical leave for senior officials.

(G) The number of health care providers who have been removed from their position or have retired, by provider type, during the two-year period preceding the submittal of the report.

(H) Of the health care providers specified in subparagraph (G) that have been removed from their position, the following:

(i) The number of such health care providers who were reassigned to another position in the Department.

(ii) The number of such health care providers who left the Department.

SEC. 204. CLINIC MANAGEMENT TRAINING PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall implement a clinic management training program to provide in-person, standardized education on health care management to all managers of, and health care providers at, medical facilities of the Department of Veterans Affairs.

(b) ELEMENTS.—The clinic management training program required by subsection (a) shall include the following:

(1) Training on how to manage the schedules of health care providers of the Department, including the following:

(A) Maintaining such schedules in a manner that allows appointments to be booked at least eight weeks in advance.

(B) Proper planning procedures for vacation, leave, and graduate medical education training schedules.

(2) Training on the appropriate number of appointments that a health care provider should conduct on a daily basis, based on specialty.

(3) Training on how to determine whether there are enough available appointment slots to manage demand for different appointment types and mechanisms for alerting management of insufficient slots.

(4) Training on how to properly use the data produced by the scheduling dashboard required by section 101(b)(11) of this Act to meet demand for health care, including the following:

(A) Training on determining the next available appointment for each health care provider at the medical facility.

(B) Training on determining the number of health care providers needed to meet demand for health care at the medical facility.

(C) Training on determining the number of exam rooms needed to meet demand for such health care in an efficient manner.

(5) Training on how to properly use the appointment scheduling system of the Department, including any new scheduling system implemented by the Department.

(6) Training on how to optimize the use of technology, including the following:

(A) Telemedicine.

(B) Electronic mail.

(C) Text messaging.

(D) Such other technologies as specified by the Secretary.

(7) Training on how to properly use physical plant space at medical facilities of the Department to ensure efficient flow and privacy for patients and staff.

SEC. 205. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES IN NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services shall use the funds transferred under subsection (e) to award scholarship and loan repayment contracts under sections 338A and 338B of the Public Health Service Act (42 U.S.C. 2541, 2541–1) to eligible individuals who agree to a period of obligated service under section 338A(f)(1) or 338B(f)(1) of such Act, as applicable, at a health facility of the Department of Veterans Affairs.

(b) HEALTH PROFESSIONAL SHORTAGE AREAS.—For purposes of selecting individuals eligible for the scholarships and loan repayment contracts under subsection (a), all health facilities of the Department of Veterans Affairs shall be deemed health professional shortage areas, as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

(c) REQUIREMENT.—The Secretary of Health and Human Services shall ensure that a minimum of 5 scholarships or loan repayment contracts are awarded to individuals who agree to a period of obligated service at Veterans Affairs facilities in each State.

(d) APPLICABILITY OF NHSC PROGRAM REQUIREMENTS.—Except as otherwise provided in this section, the terms of the National Health Service Corps Scholarship Program and the National Health Service Corps Loan Repayment Program shall apply to participants awarded a grant or loan repayment contract under subsection (a) in the same manner that such terms apply to participants awarded a grant or loan repayment contract under section 338A or 338B of the Public Health Service Act.

(e) INCLUSION OF GERIATRICIANS.—For purposes of awarding scholarships and loan repayments contracts to eligible individuals who agree to a period of obligated service at a health facility of the Department of Veterans Affairs pursuant to this section, in sections 338A and 338B of the Public Health Service Act (42 U.S.C. 2541, 2541–1), the term ''primary health services'' shall include geriatrics.

(f) FUNDING.—The Secretary of Veterans Affairs shall transfer $20,000,000 for fiscal year 2014, and such sums as may be necessary for each fiscal year thereafter, from accounts of the Veterans Health Administration to the Secretary of Health and Human Services to award scholarships and loan repayment contracts, as described in subsection (a). All funds so transferred shall be used exclusively for the purposes described in such subsection.

SEC. 206. AUTHORIZATION OF EMERGENCY APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs such sums as may be necessary to carry out this title.

TITLE III—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

SEC. 301. IMPROVEMENT OF ACCESS BY VETERANS TO HEALTH CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS.

(a) IMPROVEMENT OF ACCESS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall ensure timely access of all veterans to the hospital care, medical services, and other health care for which such veterans are eligible under the laws administered by the Secretary through the enhanced use of authorities specified in paragraph (2) on the provision of such care and services through non-Department of Veterans Affairs providers (commonly referred to as ''non-Department of Veterans Affairs medical care'').

(2) AUTHORITIES ON PROVISION OF CARE THROUGH NON-DEPARTMENT PROVIDERS.—The authorities specified in this paragraph are the following:

(A) Section 1703 of title 38, United States Code, relating to contracts for the provision of hospital care and medical services through non-Department facilities.

(B) Section 1725 of such title, relating to reimbursement of certain veterans for the reasonable value of emergency treatment at non-Department facilities.

(C) Section 1728 of such title, relating to reimbursement of certain veterans for customary and usual charges of emergency treatment from sources other than the Department.

(D) Section 1786 of such title, relating to health care services furnished to newborn children of women veterans who are receiving maternity care furnished by the Department at a non-Department facility.

(E) Any other authority under the laws administered by the Secretary to provide hospital care, medical services, or other health care from a non-Department provider, including the following:

(i) A Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(ii) The Department of Defense.

(iii) The Indian Health Service.

(3) REQUIREMENTS.—In ensuring timely access of all veterans to the care and services described in paragraph (1) through the enhanced use of authorities specified in paragraph (2), the Secretary shall require the following:

(A) That each veteran who has not received hospital care, medical services, or other health care from the Department and is seeking an appointment for primary care under the laws administered by the Secretary receive an appointment for primary care at a time consistent with timeliness measures established by the Secretary for purposes of providing primary care to all veterans.

(B) That the determination whether to refer a veteran for specialty care through a non-Department provider shall take into account the urgency and acuity of such veteran's need for such care, including—

(i) the severity of the condition of such veteran requiring specialty care; and

(ii) the wait-time for an appointment with a specialist with respect to such condition at the nearest medical facility of the Department with the capacity to provide such care.

(C) That the determination whether a veteran shall receive hospital care, medical services, or other health care from the Department through facilities of the Department or through non-Department providers pursuant to the authorities specified in paragraph (2) shall take into account, in the manner specified by the Secretary, the following:

(i) The distance the veteran would be required to travel to receive care or services through a non-Department provider compared to the distance the veteran would be required to travel to receive care or services from a medical facility of the Department.

(ii) Any factors that might limit the ability of the veteran to travel, including age, access to transportation, and infirmity.

(iii) The wait-time for the provision of care or services through a non-Department provider compared to the wait-time for the provision of care or services from a medical facility of the Department.

(iv) Where the veteran would prefer to receive the care and services described in paragraph (1), unless the preference of the veteran conflicts with any of the other requirements of this paragraph.

(D) That the Department maximize the use of hospital care, medical services, and other health care available to the Department through non-Department providers, including providers available to provide such care and services as follows:

(i) Pursuant to contracts under the Patient-Centered Community Care Program of the Department.

(ii) Pursuant to contracts between a facility or facilities of the Department and a local facility or provider.

(iii) Pursuant to contracts with Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))), the Department of Defense, or the Indian Health Service.

(iv) On a fee-for-service basis.

(b) MEDICAL RECORDS.—In providing hospital care, medical services, and other health care to veterans through non-Department providers pursuant to the authorities specified in paragraph (2), the Secretary shall ensure that any such provider submits to the Department any medical record related to the care and services provided to a veteran by that provider for inclusion in the electronic medical record of such veteran maintained by the Department upon the completion of the provision of such care and services to such veteran.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the implementation of the requirements under subsection (a) and (b), including a plan to enforce the proper implementation of such requirements systematically throughout the Department.

(2) PERIODIC REPORTS.—Not later than 90 days after the submittal of the report required by paragraph (1), and every 90 days thereafter for one year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

(A) The progress of the Secretary in carrying out the plan under paragraph (1) to enforce the proper implementation of the requirements under subsection (a) and (b) systematically throughout the Department.

(B) The impact of the implementation of such requirements on wait-times for veterans to receive hospital care, medical services, and other health care, disaggregated by—

(i) new patients;

(ii) existing patients;

(iii) primary care; and

(iv) specialty care.

(C) Any recommendations for changes or improvements to such requirements.

(D) Any requests for additional funding necessary to carry out such requirements.

SEC. 302. EXTENSION OF AND REPORT ON JOINT INCENTIVES PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.

(a) EXTENSION.—Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2015'' and inserting ''September 30, 2020''.

(b) REPORTS.—

(1) REPORT ON IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the implementation by the Department of Veterans Affairs and the Department of Defense of the findings and recommendations of the Comptroller General of the United States in the September 2012 report entitled ''VA and DoD Health Care: Department-Level Actions Needed to Assess Collaboration Performance, Address Barriers, and Identify Opportunities'' (GAO–12–992).

(2) COMPTROLLER GENERAL REPORT.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing and providing recommendations for improvement to the program to identify, provide incentives to, implement, fund, and evaluate creative coordination and sharing initiatives between the Department of Veterans Affairs and the Department of Defense required under section 8111(d) of such title.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of the extent to which the program described in subparagraph (A) has accomplished the goal of such program to improve the access to, and quality and cost effectiveness of, the health care provided by the Veterans Health Administration and the Military Health System to the beneficiaries of both the Department of Veterans Affairs and the Department of Defense.

(ii) An assessment of whether administration of such program through the Health Executive Committee of the Department of Veterans Affairs-Department of Defense Joint Executive Committee established under section 320 of such title provides sufficient leadership attention and oversight to ensure maximum benefits to the Department of Veterans Affairs and the Department of Defense through collaborative efforts.

(iii) An assessment of whether additional authorities to jointly construct, lease, or acquire facilities would facilitate additional collaborative efforts under such program.

(iv) An assessment of whether the funding for such program is sufficient to ensure consistent identification of potential opportunities for collaboration and oversight of existing collaborations to ensure a meaningful partnership between the Department of Veterans Affairs and the Department of Defense and remove any barriers to integration or collaboration.

(v) An assessment of whether existing processes for identifying opportunities for collaboration are sufficient to ensure maximum collaboration between the Veterans Health Administration and the Military Health System.

(vi) Such legislative or administrative recommendations for improvement to such program as the Comptroller General considers appropriate to enhance the use of such program to increase access to health care.

SEC. 303. TRANSFER OF AUTHORITY FOR PAYMENTS FOR HOSPITAL CARE, MEDICAL SERVICES, AND OTHER HEALTH CARE FROM NON-DEPARTMENT PROVIDERS TO THE CHIEF BUSINESS OFFICE OF THE VETERANS HEALTH ADMINISTRATION OF THE DEPARTMENT.

(a) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective on October 1, 2014, the Secretary of Veterans Affairs shall transfer the authority to pay for hospital care, medical services, and other health care through non-Department providers to the Chief Business Office of the Veterans Health Administration of the Department of Veterans Affairs from the Veterans Integrated Service Networks and medical centers of the Department of Veterans Affairs.

(2) MANNER OF CARE.—The Chief Business Office shall work in consultation with the Office of Clinical Operations and Management of the Department of Veterans Affairs to ensure that care and services described in paragraph (1) is provided in a manner that is clinically appropriate and effective.

(3) NO DELAY IN PAYMENT.—The transfer of authority under paragraph (1) shall be carried out in a manner that does not delay or impede any payment by the Department for hospital care, medical services, or other health care provided through a non-Department provider under the laws administered by the Secretary.

(b) BUDGETARY EFFECT.—The Secretary shall, for each fiscal year that begins after the date of the enactment of this Act—

(1) include in the budget for the Chief Business Office of the Veterans Health Administration amounts to pay for hospital care, medical services, and other health care provided through non-Department providers, including any amounts necessary to carry out the transfer of authority to pay for such care and services under subsection (a), including any increase in staff; and

(2) not include in the budget of each Veterans Integrated Service Network and medical center of the Department amounts to pay for such care and services.

(c) REMOVAL FROM PERFORMANCE GOALS.—For each fiscal year that begins after the date of the enactment of this Act, the Secretary shall not include in the performance goals of any employee of a Veterans Integrated Service Network or medical center of the Department any performance goal that might disincentivize the payment of Department amounts to provide hospital care, medical services, or other health care through a non-Department provider.

SEC. 304. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND INDIAN HEALTH SERVICE.

(a) OUTREACH TO TRIBAL-RUN MEDICAL FACILITIES.—The Secretary of Veterans Affairs shall, in consultation with the Director of the Indian Health Service, conduct outreach to each medical facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to raise awareness of the ability of such facilities, Indian tribes, and tribal organizations to enter into agreements with the Department of Veterans Affairs under which the Secretary reimburses such facilities, Indian tribes, or tribal organizations, as the case may be, for health care provided to veterans eligible for health care at such facilities.

(b) METRICS FOR MEMORANDUM OF UNDERSTANDING PERFORMANCE.—The Secretary of Veterans Affairs shall implement performance metrics for assessing the performance by the Department of Veterans Affairs and the Indian Health Service under the memorandum of understanding entitled ''Memorandum of Understanding between the Department of Veterans Affairs (VA) and the Indian Health Service (IHS)'' in increasing access to health care, improving quality and coordination of health care, promoting effective patient-centered collaboration and partnerships between the Department and the Service, and ensuring health-promotion and disease-prevention services are appropriately funded and available for beneficiaries under both health care systems.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Director of the Indian Health Service shall jointly submit to Congress a report on the feasibility and advisability of the following:

(1) Entering into agreements for the reimbursement by the Secretary of the costs of direct care services provided through organizations receiving amounts pursuant to grants made or contracts entered into under section 503 of the Indian Health Care Improvement Act (25 U.S.C. 1653) to veterans who are otherwise eligible to receive health care from such organizations.

(2) Including the reimbursement of the costs of direct care services provided to veterans who are not Indians in agreements between the Department and the following:

(A) The Indian Health Service.

(B) An Indian tribe or tribal organization operating a medical facility through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(C) A medical facility of the Indian Health Service.

(d) DEFINITIONS.—In this section:

(1) INDIAN.—The terms ''Indian'' and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(2) MEDICAL FACILITY OF THE INDIAN HEALTH SERVICE.—The term ''medical facility of the Indian Health Service'' includes a facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 305. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in consultation with Papa Ola Lokahi and such other organizations involved in the delivery of health care to Native Hawaiians as the Secretary considers appropriate, enter into contracts or agreements with Native Hawaiian health care systems that are in receipt of funds from the Secretary of Health and Human Services pursuant to grants awarded or contracts entered into under section 6(a) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(a)) for the reimbursement of direct care services provided to eligible veterans as specified in such contracts or agreements.

(b) DEFINITIONS.—In this section, the terms ''Native Hawaiian'', ''Native Hawaiian health care system'', and ''Papa Ola Lokahi'' have the meanings given those terms in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

SEC. 306. AUTHORIZATION OF EMERGENCY APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs such sums as may be necessary to carry out this title.

TITLE IV—HEALTH CARE ADMINISTRATIVE MATTERS

SEC. 401. IMPROVEMENT OF ACCESS OF VETERANS TO MOBILE VET CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IMPROVEMENT OF ACCESS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall improve the access of veterans to telemedicine and other health care through the use of mobile vet centers of the Department of Veterans Affairs by providing standardized requirements for the operation of such centers.

(2) REQUIREMENTS.—The standardized requirements required by paragraph (1) shall include the following:

(A) The number of days each mobile vet center of the Department is expected to travel per year.

(B) The number of locations each center is expected to visit per year.

(C) The number of appointments each center is expected to conduct per year.

(D) The method and timing of notifications given by each center to individuals in the area to which such center is traveling, including notifications informing veterans of the availability to schedule appointments at the center.

(3) USE OF TELEMEDICINE.—The Secretary shall ensure that each mobile vet center of the Department has the capability to provide telemedicine services.

(b) REPORTS.—Not later than one year after the date of the enactment of this Act, and not later than September 30 each year thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the following:

(1) The use of mobile vet centers to provide telemedicine services to veterans during the year preceding the submittal of the report, including the following:

(A) The number of days each mobile vet center was open to provide such services.

(B) The number of days each mobile vet center traveled to a location other than the headquarters of the mobile vet center to provide such services.

(C) The number of appointments each center conducted to provide such services on average per month and in total during such year.

(2) An analysis of the effectiveness of using mobile vet centers to provide health care services to veterans through the use of telemedicine.

(3) Any recommendations for an increase in the number of mobile vet centers of the Department.

(4) Any recommendations for an increase in the telemedicine capabilities of each mobile vet center.

(5) The feasibility and advisability of using temporary health care providers, including locum tenens, to provide direct health care services to veterans at mobile vet centers.

(6) Such other recommendations on improvement of the use of mobile vet centers by the Department as the Secretary considers appropriate.

SEC. 402. COMMISSION ON ACCESS TO CARE.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission on Access to Care (in this section referred to as the ''Commission'') to examine the access of veterans to health care from the Department of Veterans Affairs and strategically examine how best to organize the Veterans Health Administration, locate health care resources, and deliver health care to veterans during the next 10 to 20 years.

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Commission shall be composed of 10 voting members who are appointed by the President as follows:

(i) At least two members who represent an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(ii) At least one member from among persons who are experts concerning a public or private hospital system.

(iii) At least one member from among persons who are familiar with government health care systems, including those systems of the Department of Defense, the Indian Health Service, and Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(iv) At least two members from among persons who are familiar with the Veterans Health Administration.

(B) NONVOTING MEMBERS.—In addition to members appointed under subparagraph (A), the Commission shall be composed of 10 nonvoting members who are appointed by the President as follows:

(i) At least two members who represent an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(ii) At least one member from among persons who are experts in a public or private hospital system.

(iii) At least one member from among persons who are familiar with government health care systems, including those systems of the Department of Defense, the Indian Health Service, and Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(iv) At least two members from among persons who are familiar with the Veterans Health Administration.

(C) DATE.—The appointments of members of the Commission shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which seven voting members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

(b) DUTIES OF COMMISSION.—

(1) EVALUATION AND ASSESSMENT.—The Commission shall undertake a comprehensive evaluation and assessment of access to health care at the Department of Veterans Affairs.

(2) MATTERS EVALUATED AND ASSESSED.—The matters evaluated and assessed by the Commission shall include the following:

(A) The appropriateness of current standards of the Department of Veterans Affairs concerning access to health care.

(B) The measurement of such standards.

(C) The appropriateness of performance standards and incentives in relation to standards described in subparagraph (A).

(D) Staffing levels throughout the Veterans Health Administration and whether they are sufficient to meet current demand for health care from the Administration.

(3) REPORTS.—The Commission shall submit to the President, through the Secretary of Veterans Affairs, reports as follows:

(A) Not later than 90 days after the date of the initial meeting of the Commission, an interim report on—

(i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and

(ii) such recommendations as the Commission may have for legislative or administrative action to improve access to health care through the Veterans Health Administration.

(B) Not later than 180 days after the date of the initial meeting of the Commission, a final report on—

(i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and

(ii) such recommendations as the Commission may have for legislative or administrative action to improve access to health care through the Veterans Health Administration.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF THE COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (b)(3)(B).

(f) FUNDING.—The Secretary of Veterans Affairs shall make available to the Commission from amounts appropriated or otherwise made available to the Secretary such amounts as the Secretary and the Chairperson of the Commission jointly consider appropriate for the Commission to perform its duties under this section.

(g) EXECUTIVE ACTION.—

(1) ACTION ON RECOMMENDATIONS.—The President shall require the Secretary of Veterans Affairs and such other heads of relevant Federal departments and agencies to implement each recommendation set forth in a report submitted under subsection (b)(3) that the President—

(A) considers feasible and advisable; and

(B) determines can be implemented without further legislative action.

(2) REPORTS.—Not later than 60 days after the date on which the President receives a report under subsection (b)(3), the President shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives and such other committees of Congress as the President considers appropriate a report setting forth the following:

(A) An assessment of the feasibility and advisability of each recommendation contained in the report received by the President.

(B) For each recommendation assessed as feasible and advisable under subparagraph (A) the following:

(i) Whether such recommendation requires legislative action.

(ii) If such recommendation requires legislative action, a recommendation concerning such legislative action.

(iii) A description of any administrative action already taken to carry out such recommendation.

(iv) A description of any administrative action the President intends to be taken to carry out such recommendation and by whom.

SEC. 403. COMMISSION ON CAPITAL PLANNING FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established the Commission on Capital Planning for Department of Veterans Affairs Medical Facilities (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Commission shall, subject to subparagraph (B), be composed of 10 voting members as follows:

(i) 1 shall be appointed by the President.

(ii) 1 shall be appointed by the Administrator of General Services.

(iii) 3 shall be appointed by the Secretary of Veterans Affairs, of whom—

(I) 1 shall be an employee of the Veterans Health Administration;

(II) 1 shall be an employee of the Office of Asset Enterprise Management of the Department of Veterans Affairs; and

(III) 1 shall be an employee of the Office of Construction and Facilities Management of the Department of Veterans Affairs.

(iv) 1 shall be appointed by the Secretary of Defense from among employees of the Army Corps of Engineers.

(v) 1 shall be appointed by the majority leader of the Senate.

(vi) 1 shall be appointed by the minority leader of the Senate.

(vii) 1 shall be appointed by the Speaker of the House of Representatives.

(viii) 1 shall be appointed by the minority leader of the House of Representatives.

(B) REQUIREMENT RELATING TO CERTAIN APPOINTMENTS OF VOTING MEMBERS.—Of the members appointed pursuant to clause (i), (ii), and (iv) through (viii) of subparagraph (A), all shall have expertise in capital leasing, construction, or health facility management planning.

(C) NON-VOTING MEMBERS.—The Commission shall be assisted by 10 non-voting members, appointed by the vote of a majority of members of the Commission under subparagraph (A), of whom—

(i) 6 shall be representatives of veterans service organizations recognized by the Secretary of Veterans Affairs; and

(ii) 4 shall be individuals from outside the Department of Veterans Affairs with experience and expertise in matters relating to management, construction, and leasing of capital assets.

(D) DATE OF APPOINTMENT OF VOTING MEMBERS.—The appointments of the members of the Commission under subparagraph (A) shall be made not later than 60 days after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which 7 members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIR AND VICE CHAIR.—The Commission shall select a Chair and Vice Chair from among its members.

(b) DUTIES OF COMMISSION.—

(1) IN GENERAL.—The Commission shall undertake a comprehensive evaluation and assessment of various options for capital planning for Department of Veterans Affairs medical facilities, including an evaluation and assessment of the mechanisms by which the Department currently selects means for the delivery of health care, whether by major construction, major medical facility leases, sharing agreements with the Department of Defense, the Indian Health Service, and Federally Qualified Health Clinics under section 330 of the Public Health Service Act (42 U.S.C. 254b), contract care, multisite care, telemedicine, extended hours for care, or other means.

(2) CONTEXT OF EVALUATION AND ASSESSMENT.—In undertaking the evaluation and assessment, the Commission shall consider—

(A) the importance of access to health care through the Department, including associated guidelines of the Department on access to, and drive time for, health care;

(B) limitations and requirements applicable to the construction and leasing of medical facilities for the Department, including applicable laws, regulations, and costs as determined by both the Congressional Budget Office and the Office of Management and Budget;

(C) the nature of capital planning for Department medical facilities in an era of fiscal uncertainty;

(D) projected future fluctuations in the population of veterans; and

(E) the extent to which the Department was able to meet the mandates of the Capital Asset Realignment for Enhanced Services Commission.

(3) PARTICULAR CONSIDERATIONS.—In undertaking the evaluation and assessment, the Commission shall address, in particular, the following:

(A) The Major Medical Facility Lease Program of the Department, including an identification of potential improvements to the lease authorization processes under that Program.

(B) The management processes of the Department for its Major Medical Facility Construction Program, including processes relating to contract award and management, project management, and processing of change orders.

(C) The overall capital planning program of the Department for medical facilities, including an evaluation and assessment of—

(i) the manner in which the Department determines whether to use capital or non-capital means to expand access to health care;

(ii) the manner in which the Department determines the disposition of under-utilized and un-utilized buildings on campuses of Department medical centers, and any barriers to disposition;

(iii) the effectiveness of the facility master planning initiative of the Department; and

(iv) the extent to which sustainable attributes are planned for to decrease operating costs for Department medical facilities.

(D) The current backlog of construction projects for Department medical facilities, including an identification of the most effective means to quickly secure the most critical repairs required, including repairs relating to facility condition deficiencies, structural safety, and compliance with the Americans With Disabilities Act of 1990.

(4) REPORTS.—Subject to paragraph (5), the Commission shall submit to the Secretary of Veterans Affairs, and to the Committee Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives, reports as follows:

(A) Not later than six months after its initial meeting under subsection (a)(4), a report on the Major Medical Facility Lease Program and the Congressional lease authorization process.

(B) Not later than one year after its initial meeting, a report—

(i) on the management processes of the Department for the construction of Department medical facilities; and

(ii) setting forth an update of any matters covered in the report under subparagraph (A).

(C) Not later than 18 months after its initial meeting, a report—

(i) on the overall capital planning program of the Department for medical facilities; and

(ii) setting forth an update of any matters covered in earlier reports under this paragraph.

(D) Not later than two years after its initial meeting, a report—

(i) on the current backlog of construction projects for Department medical facilities;

(ii) setting forth an update of any matters covered in earlier reports under this paragraph; and

(iii) including such other matters relating to the duties of the Commission that the Commission considers appropriate.

(E) Not later than 27 months after its initial meeting, a report on the implementation by the Secretary of Veterans Affairs pursuant to subsection (g) of the recommendations included pursuant to paragraph (5) in the reports under this paragraph.

(5) RECOMMENDATIONS.—Each report under paragraph (4) shall include, for the aspect of the capital asset planning process of the Department covered by such report, such recommendations as the Commission considers appropriate for the improvement and enhancement of such aspect of the capital asset planning process.

(c) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date on which the Commission submits its report under subsection (b)(4)(E).

(f) FUNDING.—The Secretary of Veterans Affairs shall make available to the Commission such amounts as the Secretary and the Chair of the Commission jointly consider appropriate for the Commission to perform its duties under this section.

(g) ACTION ON RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall implement each recommendation included in a report under subsection (b)(4) that the Secretary considers feasible and advisable and can be implemented without further legislative action.

(2) REPORTS.—Not later than 120 days after receipt of a report under subparagraphs (A) through (D) of subsection (b)(4), the Secretary shall submit to the Committee Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(A) An assessment of the feasibility and advisability of each recommendation contained in such report.

(B) For each recommendation assessed as feasible and advisable—

(i) if such recommendation does not require further legislative action for implementation, a description of the actions taken, and to be taken, by the Secretary to implement such recommendation; and

(ii) if such recommendation requires further legislative action for implementation, recommendations for such legislative action.

SEC. 404. REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE.

(a) REMOVAL OR TRANSFER.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 713. Senior Executive Service: removal based on performance

"(a) IN GENERAL.—The Secretary may remove any individual from the Senior Executive Service if the Secretary determines the performance of the individual warrants such removal. If the Secretary so removes such an individual, the Secretary may—

"(1) remove the individual from the civil service (as defined in section 2101 of title 5); or

"(2) transfer the individual to a General Schedule position at any grade of the General Schedule for which the individual is qualified and that the Secretary determines is appropriate.

"(b) NOTICE TO CONGRESS.—Not later than 30 days after removing or transferring an individual from the Senior Executive Service under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal or transfer and the reason for such removal or transfer.

"(c) APPEAL OF REMOVAL OR TRANSFER.—Any removal or transfer under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5 not later than 7 days after such removal or transfer.

"(d) EXPEDITED REVIEW BY MERIT SYSTEMS PROTECTION BOARD.—(1) The Merit Systems Protection Board shall expedite any appeal under section 7701 of title 5 of a removal or transfer under subsection (a) and, in any such case, shall issue a decision not later than 21 days after the date of the appeal.

"(2) In any case in which the Merit Systems Protection Board determines that it cannot issue a decision in accordance with the 21-day requirement under paragraph (1), the Merit Systems Protection Board shall submit to Congress a report that explains the reason why the Merit Systems Protection Board is unable to issue a decision in accordance with such requirement in such case.

"(3) There is authorized to be appropriated such sums as may be necessary for the Merit Systems Protection Board to expedite appeals under paragraph (1).

"(4) The Merit Systems Protection Board may not stay any personnel action taken under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"713. Senior Executive Service: removal based on performance.".

(b) ESTABLISHMENT OF EXPEDITED REVIEW PROCESS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Merit Systems Protection Board shall establish and put into effect a process to conduct expedited reviews in accordance with section 713(d) of title 38, United States Code.

(2) INAPPLICABILITY OF CERTAIN REGULATIONS.—Section 1201.22 of title 5, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act, shall not apply to expedited reviews carried out under section 713(d) of title 38, United States Code.

(3) REPORT BY MERIT SYSTEMS PROTECTION BOARD.—Not later than 30 days after the date of the enactment of this Act, the Merit Systems Protection Board shall submit to Congress a report on the actions the Board plans to take to conduct expedited reviews under section 713(d) of title 38, United States Code, as added by subsection (a). Such report shall include a description of the resources the

Board determines will be necessary to conduct such reviews and a description of whether any resources will be necessary to conduct such reviews that were not available to the Board on the day before the date of the enactment of this Act.

(c) TEMPORARY EXEMPTION FROM CERTAIN LIMITATION ON INITIATION OF REMOVAL FROM SENIOR EXECUTIVE SERVICE.—During the 120-day period beginning on the date of the enactment of this Act, an action to remove an individual from the Senior Executive Service at the Department of Veterans Affairs pursuant to section 713 of title 38, United States Code, as added by subsection (a), or section 7543 of title 5, United States Code, may be initiated, notwithstanding section 3592(b) of title 5, United States Code, or any other provision of law.

(d) CONSTRUCTION.—Nothing in this section or section 713 of title 38, United States Code, as added by subsection (a), shall be construed to apply to an appeal of a removal, transfer, or other personnel action that was pending before the date of the enactment of this Act.

TITLE V—MAJOR MEDICAL FACILITY LEASES

SEC. 501. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

(1) For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed $9,560,000.

(2) For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed $7,280,000.

(3) For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed $7,070,250.

(4) For the Cobb County community-based Outpatient Clinic, Cobb County, Georgia, an amount not to exceed $6,409,000.

(5) For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed $15,887,370.

(6) For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed $2,263,000.

(7) For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed $2,996,000.

(8) For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed $2,626,000.

(9) For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed $11,927,000.

(10) For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed $11,535,000.

(11) For lease consolidation, San Antonio, Texas, an amount not to exceed $19,426,000.

(12) For a community-based outpatient clinic, San Diego, California, an amount not to exceed $11,946,100.

(13) For an outpatient clinic, Tyler, Texas, an amount not to exceed $4,327,000.

(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed $4,883,000.

(15) For the Worcester community-based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed $4,855,000.

(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed $4,232,060.

(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed $7,069,000.

(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed $4,534,000.

(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed $3,714,000.

(20) For a new research lease, Hines, Illinois, an amount not to exceed $22,032,000.

(21) For a replacement research lease, Houston, Texas, an amount not to exceed $6,142,000.

(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed $7,178,400.

(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed $8,554,000.

(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed $8,022,000.

(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed $20,757,000.

(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed $8,154,000.

(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed $13,269,200.

SEC. 502. BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.

(a) FINDINGS.—Congress finds the following:

(1) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(2) Office of Management and Budget Circular A–11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(3) For operating leases, Office of Management and Budget Circular A–11 requires the Department of Veterans Affairs to record upfront budget authority in an ''amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs''.

(b) REQUIREMENT FOR OBLIGATION OF FULL COST.—

(1) IN GENERAL.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases provided in this Act, the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before its full term, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(2) SELF-INSURING AUTHORITY.—The requirements of paragraph (1) may be satisfied through the use of a self-insuring authority consistent with Office of Management and Budget Circular A–11.

(c) TRANSPARENCY.—

(1) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act'). Any such analysis shall include—

''(A) an analysis of the classification of the lease as a 'lease-purchase', 'capital lease', or 'operating lease' as those terms are defined in Office of Management and Budget Circular A–11;

''(B) an analysis of the obligation of budgetary resources associated with the lease; and

''(C) an analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.''.

(2) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

''(h)(1) Not less than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

''(A) notice of the Secretary's intention to enter into the lease;

''(B) a detailed summary of the proposed lease;

''(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

''(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A–11.

''(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required by law of the Secretary and subject to the same statutory penalties for unauthorized disclosure or use as the Secretary.

''(3) Not more than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to in any way relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the enactment of this section and such amendments.

Mr. BLUMENTHAL. Mr. President, I am pleased to follow my friend and colleague from Vermont, Senator SANDERS, and I want to begin by thanking him for his leadership, his persistence, and his perseverance in the face of resistance that should not exist. This cause ought to be one that galvanizes the Nation, and perhaps it will, since the Nation has been appalled and astonished by reports of not only cooking the books but covering up that potential criminality—destruction of documents, falsification of records, secret waiting lists, delays that are unacceptable and intolerable for basic, necessary health care our veterans need.

But these issues are longstanding, decades old in this system, and they need to be addressed with system-wide reform.

I am strongly in support, and proudly so, in advocating the Ensuring Veterans Access to Health Care Act that Senator SANDERS has just introduced. It is a version of the omnibus bill and

other measures that have been introduced. It has essential features that will provide better health care sooner and more accessibly to our veterans. It is necessary to pass, but these provisions should have passed literally years ago. In fact, the very first piece of legislation I introduced in the Senate, S. 1060, called the Honoring All Veterans Act, included a provision to deal with this shortage of doctors in this system. It included other health care-related measures to expand the availability and accessibility of health care. These problems, far from new, have been existent for some time. And the coverup, the lying, and falsification of records is potentially now criminal and beyond a failure of public policy; it is a failure in integrity.

I am pleased to join Senator SANDERS to make sure the 9.3 million of the Nation's 22 million who are enrolled in the VA health care system—which is up from about 2.5 million at the end of the first gulf war—have the kind of service they need. This bill will address some basic needs. It provides authority to remove senior executives based on poor job performance and preventing wholesale political firings. The legislation would provide veterans who cannot get timely appointments access to private clinics and the option of going to community health care centers, military hospitals, or private doctors. It would authorize the Veterans' Administration to lease 27 new health facilities in 18 States, including funds for the enhanced lease of the Errera Community Care Center in West Haven, CT, which does profoundly important and excellent work.

The legislation authorizes emergency funding to hire new doctors and nurses and other providers in order to address systemwide health care provider shortages and to take other necessary steps to ensure timely access to care. It addresses the health care primary care shortage for the long term as well by authorizing the National Health Service Corps to award scholarships to medical school students and to forgive college loans for doctors and nurses who work at the VA. These kinds of measures and others in the bill will act to fulfill our basic obligation to our veterans, just as I attempted to do in the Honoring All Veterans Act some years ago, and others have joined since in seeking to do.

My hope is we can reach across the aisle. In fact, I am working with Senator MCCAIN on a bipartisan letter to the Attorney General urging all possible involvement and leadership in a criminal investigation. I hope a similar spirit of bipartisanship will enable us to work with Senators MCCAIN, BURR, and COBURN on their Veterans Choice Act and combine these measures, enlist them in supporting a bipartisan solution and join Senator SANDERS in hoping for that bipartisan effort in this measure because there is no question that the VA budget has grown, but simply has failed to keep pace with surging demand, especially in mental health services and primary care. Too many of our veterans are coming home with serious mental health issues, including post-traumatic stress, traumatic brain injury, and need the care we owe them. We need accountability. Part of it will be firing the officials who should be held responsible, but part of it may also be prosecuting them, and that is the reason I have asked the Attorney General to take the lead to assume much more immediate, significant involvement in any criminal investigation that may be necessary.

In fact, there is credible and significant evidence of criminal wrongdoing here. The Department of Justice must be involved and in my view must take a leadership role, and that is the reason Senator MCCAIN and I have joined in a letter that we are seeking support for our colleagues to send that would request the Attorney General to take such steps. Only the Attorney General has the resources, expertise, and authority, along with the FBI, to do a prompt and effective criminal investigation. Only the Department of Justice can convene a grand jury and take other necessary steps. Only the FBI can bring to bear the expertise as well as the resources.

The inspector general of the Veterans' Administration has only 165 investigators for the entire Nation. This investigation now spans more than 40 centers where criminality has been alleged. Of the 216 sites visited by the auditors recently, many were found to have issues of scheduling practice defects and potential integrity problems. So there is a reason for the VA inspector general to not only consult with the Department of Justice but also involve the Department of Justice in an active leadership role here, and for the Acting Secretary of the VA to request that involvement, which I hope he will do. I commend what he has done so far, but now is the time for the Department of Justice to be involved in leading.

The audit of the facilities around the country is to be made public—not just the overall results which have been delivered to the President in a report last Friday, but all of the results—site-specific results for locations, for example, the two hospitals in Connecticut in West Haven and in Newington as well as the six medical centers in Connecticut. All of those site-specific audits should be made public.

I have written to the Acting Secretary Sloan Gibson, urging that he make those face-to-face audits of the VA medical facilities public, not only for Connecticut but for the whole country. Restoring trust and credibility will be achieved only if there is more transparency. Nondisclosure would be a bad way to begin a new era of leadership at the VA. Full transparency is absolutely vital to help restore trust and confidence, which has been so gravely threatened and, indeed, undermined.

Finally, I have a few words to say about Secretary Shinseki. The immediate challenge is not about replacing one person, it is about fixing a system that is desperately wrong. I deeply respect Secretary Shinseki's decision to resign last week after concluding that his continued service would be a distraction from the urgent and necessary overhaul of the Veterans' Administration. I respect even more his dedicated service to our Nation. He is a decorated combat veteran who led into battle many of the men and women who now use the Veterans' Administration. His mentors and models, as he so eloquently told our committee, now use the Veterans' Administration. In his heart, I believe he is passionately committed to the cause of serving our veterans, and he deserves gratitude and respect from the American people for his service in the U.S. military and his telling truth to power as the President so powerfully observed.

The Nation must recognize it owes our veterans world-class, first-class medical care that is second to none. Putting them at risk in medical facilities after they have put their lives on the line on the battlefield is a disservice to them and our Nation.

It is abhorrent and atrocious that there have been these potentially criminal acts—destruction of documents and falsification of records—at many of the VA facilities around the country. There is no excuse for it. Whether it is arbitrary deadlines or timelines, there is simply no excuse for that kind of lying. The lying that happened within the VA was not only to General Shinseki, but to the American people. The ones who committed that kind of wrongdoing should be held accountable administratively and criminally.

The wars in Iraq and Afghanistan, and the ongoing global military operations since 9/11, have cast a long shadow on this Nation's history. It involved less than 1 percent of the population, including the families of the brave warriors who have been sent to battle. All of us will live with the consequences, and all of us have an obligation to keep faith with them, leave no veteran behind, and give them prompt and world-class, first-class medical care when they need it right away.

The ''greatest generation'' set a model for them, and they are, indeed, the next greatest generation. We have to do right by them as they have done right by us. No matter what the era, conflict, or war, let us keep faith with all of the veterans and leave no veteran behind.

By Mr. MCCAIN (for himself, Mr. COBURN, Mr. BURR, Mr. FLAKE, Mr. ISAKSON, Mr. INHOFE, Mr. GRASSLEY, Mr. ROBERTS, Mr. HOEVEN, Mr. COATS, Mr. BARRASSO, Mr. JOHANNS, Mr. RUBIO, Mr. CORNYN, Mr. ALEXANDER, Mr. KIRK, Mr. WICKER, Mrs. FISCHER, Mr. PORTMAN, Mr.

TOOMEY, Mr. BOOZMAN, Mr. MORAN, Mr. THUNE, Mr. SCOTT, Mr. ENZI, and Mr. GRAHAM):

S. 2424. A bill to provide veterans with the choice of medical providers and to increase transparency and accountability of operations of the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCAIN. Mr. President, it has been almost 2 months since allegations that some 40 veterans died while waiting for care at the Phoenix VA were first made public. Since that report, we have learned of similar allegations of gross mismanagement and data manipulation at 42 VA medical facilities across the U.S. More troubling, according to the Office of the Inspector General's preliminary report, 1,700 veterans in the Phoenix VA Health Care System who thought they were about to receive care were never even placed on the VA's Electronic Waiting List and are ''at risk of being forgotten or lost in Phoenix HCS's convoluted scheduling process''. Today, it is clear that delaying medical care and manipulating records to hide those delays in care is systemic through the Department of Veterans' Affairs health system. This has created in our veterans' community a crisis of confidence toward the VA—the very agency that was established to care for them.

Today, I joined Senators COBURN, BURR, and FLAKE to introduce the Veterans Choice Act of 2014. This bill would, principally, empower veterans with greater flexibility when choosing their medical care and increase transparency and accountability within the VA to ensure that it delivers quality care to our veterans in a timely manner. Specifically, it would give veterans the option to go to a different doctor if the VA can't schedule an appointment within a reasonable time or if the veteran lives too far away from a VA medical facility. Additionally, this bill would prohibit scheduling or wait-time metrics/goals from being used as factors to determining performance awards or bonuses. It would also require the Secretary of the VA to punish employees who falsify data, including civil penalties, suspension or termination. And, empower the Secretary of the VA to remove any top executive at the VA if the Secretary determines that his performance warrants removal.

Put simply, unlike some other proposals that have been made to reform how the VA delivers care, this bill would squarely address the root causes of the tragic circumstances that have brought us to this point.

For almost all this century, Americans have been fighting in faraway places to make this dangerous world safer for the rest of us. They have been brave. They have sacrificed and suffered. They bear wounds and mourn losses they will never completely recover from—and we can never fully compensate them for. But, we can care for the injuries they incurred on our behalf and provide for their physical and emotional recovery from the battles they fought to protect us. Quality care for our veterans is among the most solemn obligations a nation must pay, and we will be judged by God and history by how well we discharge ours.

Indeed, we must be worthy of the sacrifices made on our behalf How we care for those who risked everything for us is the most important test of a Nation's character. Today, we are failing that test. We must do better tomorrow. Much better.

For the 9 million American veterans who depend on the VA for their health care, and for the families whose tragic stories we have heard over the last two months, who I know are still grieving their losses, it is time to provide our veterans with the care, choice, and accountability that they so rightly deserve. I am pleased to be associated with the bill Senator BURR, Senator COBURN and Senator FLAKE introduced today, which would help the nation achieve those laudable, necessary goals. I urge my colleagues—on both sides of the aisle—to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 464—DESIGNATING JUNE 2014 AS ''NATIONAL APHASIA AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON of South Dakota (for himself and Mr. KIRK) submitted the following resolution; which was considered and agreed to:

S. RES. 464

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas, according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the ''NINDS''), strokes are the fourth-leading cause of death in the United States;

Whereas strokes are a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer approximately 795,000 strokes per year, with about ⅓ of the strokes resulting in aphasia;

Whereas, according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States are afflicted with aphasia each year;

Whereas the people of the United States should strive to learn more about aphasia and to promote research, rehabilitation, and support services for people with aphasia and aphasia caregivers throughout the United States; and

Whereas people with aphasia and their caregivers envision a world that recognizes the ''silent'' disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2014 as ''National Aphasia Awareness Month'';

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the fourth-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study to find new solutions for people experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

SENATE RESOLUTION 465—COMMEMORATING THE CENTENNIAL OF WEBSTER UNIVERSITY

Mr. BLUNT (for himself and Mrs. MCCASKILL) submitted the following resolution; which was considered and agreed to:

S. RES. 465

Whereas in 1915, the Sisters of Loretto established Webster University in Saint Louis, Missouri, as one of the first Catholic colleges for women that is located west of the Mississippi River;

Whereas Webster University has campuses in 8 different countries, introducing people in Europe, Asia, and Africa to United States educational programs, helping to spread United States culture and ideas around the globe, and serving the educational needs of people abroad;

Whereas in 1974, Webster University became one of the first universities in the United States to operate on a military base;

Whereas in 2014, Webster University is located on military bases across the country, serving all branches of the military and directly helping more than 7,700 students who are active members of the Armed Forces, veterans, or direct relatives of individuals with military connections;

Whereas Webster University has been a leader in online education since 1999, and more than 9,000 students are taking courses in the Webster University Online Learning Center, a program that provides quality higher education to students who have access to the Internet and are residing anywhere in the world;

Whereas since 1915, Webster University has conferred more than 184,000 degrees at campuses around the world, including nearly 80,000 degrees in the greater Saint Louis area, demonstrating a local commitment and offering a global education;

Whereas Webster University has a diverse student body and is routinely lauded by organizations working on diversity issues;

Whereas Webster University is the alma mater of more than 160,000 proud alumni; and

Whereas the quality of Webster University as an institution of higher learning is a reflection of the extraordinary caliber of its educational professionals and students: Now, therefore, be it

Resolved, That the Senate recognizes and extends congratulations to the educational professionals, students, and alumni of Webster University for 100 years of excellence in higher education.

SENATE RESOLUTION 466—DESIGNATING THE WEEK OF OCTOBER 27 THROUGH NOVEMBER 2, 2014, AS ''NATIONAL DRUG TAKE-BACK WEEK'', AND DESIGNATING OCTOBER 2014 AS ''NATIONAL PRESCRIPTION OPIOID AND HEROIN ABUSE AWARENESS MONTH''

Ms. AYOTTE (for herself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 466

Whereas prescription opioids can play an integral role in proper pain management and treatment of health conditions;

Whereas when no longer needed or wanted for legitimate pain management or health treatment, prescription opioids are susceptible to diversion;

Whereas prescription opioids may be abused by individuals who were not prescribed such drugs or misused by individuals not taking such drugs as directed;

Whereas prescription opioid pain relievers are powerful, regulated drugs that, according to the National Institute on Drug Abuse, attach to the same cell receptors as heroin;

Whereas prescription opioids, when used improperly or not taken as prescribed, can be addictive;

Whereas scientific studies indicate a link between prescription opioid abuse and potential future heroin use and addiction;

Whereas compared to prescription opioids, heroin is a cheaper drug and becoming more readily available;

Whereas deaths from heroin overdoses have significantly increased in communities across the United States;

Whereas addiction and overdoses take lives, ruin families, and fuel rising crime rates in communities across the United States;

Whereas drug take-back programs allow for the collection and safe disposal of unwanted or unused drugs; and

Whereas drug take-back days are held infrequently: Now, therefore, be it

Resolved, That the Senate—

(1) encourages a continuous national dialogue on efforts to combat prescription opioid abuse and heroin addiction;

(2) supports a holistic approach to addressing prescription opioid and heroin abuse, including through law enforcement and first responder initiatives, international drug interdiction, and treatment, recovery, prevention, and education efforts;

(3) recognizes the commitment of Federal, State, and local law enforcement personnel, first responders, firefighters, treatment providers, researchers, prescribers, pharmacists, dispensers, medical boards, manufacturers, and community organizations to addressing prescription opioid abuse and heroin addiction;

(4) supports the goals of drug take-back efforts by the Drug Enforcement Administration and the State, local, and tribal law enforcement partners of the Drug Enforcement Administration, and encourages the expansion of such efforts;

(5) designates the week of October 27 through November 2, 2014, as ''National Drug Take-Back Week'';

(6) encourages media organizations to bring awareness to prescription opioid and heroin use, particularly among the youth in the United States; and

(7) designates October 2014 as ''National Prescription Opioid and Heroin Abuse Awareness Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3229. Ms. STABENOW (for Ms. COLLINS) proposed an amendment to the bill S. 2270, to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

SA 3230. Ms. STABENOW (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 453, condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy.

SA 3231. Ms. STABENOW (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 453, supra.

TEXT OF AMENDMENTS

SA 3229. Ms. STABENOW (for Ms. COLLINS) proposed an amendment to the bill S. 2270, to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Insurance Capital Standards Clarification Act of 2014''.

SEC. 2. CLARIFICATION OF APPLICATION OF LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

Section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5371) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) BUSINESS OF INSURANCE.—The term 'business of insurance' has the same meaning as in section 1002(3).

''(5) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term 'person regulated by a State insurance regulator' has the same meaning as in section 1002(22).

''(6) REGULATED FOREIGN SUBSIDIARY AND REGULATED FOREIGN AFFILIATE.—The terms 'regulated foreign subsidiary' and 'regulated foreign affiliate' mean a person engaged in the business of insurance in a foreign country that is regulated by a foreign insurance regulatory authority that is a member of the International Association of Insurance Supervisors or other comparable foreign insurance regulatory authority as determined by the Board of Governors following consultation with the State insurance regulators, including the lead State insurance commissioner (or similar State official) of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners, where the person, or its principal United States insurance affiliate, has its principal place of business or is domiciled, but only to the extent that—

''(A) such person acts in its capacity as a regulated insurance entity; and

''(B) the Board of Governors does not determine that the capital requirements in a specific foreign jurisdiction are inadequate.

''(7) CAPACITY AS A REGULATED INSURANCE ENTITY.—The term 'capacity as a regulated insurance entity'—

''(A) includes any action or activity undertaken by a person regulated by a State insurance regulator or a regulated foreign subsidiary or regulated foreign affiliate of such person, as those actions relate to the provision of insurance, or other activities necessary to engage in the business of insurance; and

''(B) does not include any action or activity, including any financial activity, that is not regulated by a State insurance regulator or a foreign agency or authority and subject to State insurance capital requirements or, in the case of a regulated foreign subsidiary or regulated foreign affiliate, capital requirements imposed by a foreign insurance regulatory authority.''; and

(2) by adding at the end the following new subsection:

''(c) CLARIFICATION.—

''(1) IN GENERAL.—In establishing the minimum leverage capital requirements and minimum risk-based capital requirements on a consolidated basis for a depository institution holding company or a nonbank financial company supervised by the Board of Governors as required under paragraphs (1) and (2) of subsection (b), the appropriate Federal banking agencies shall not be required to include, for any purpose of this section (including in any determination of consolidation), a person regulated by a State insurance regulator or a regulated foreign subsidiary or a regulated foreign affiliate of such person engaged in the business of insurance, to the extent that such person acts in its capacity as a regulated insurance entity.

''(2) RULE OF CONSTRUCTION ON BOARD'S AUTHORITY.—This subsection shall not be construed to prohibit, modify, limit, or otherwise supersede any other provision of Federal law that provides the Board of Governors authority to issue regulations and orders relating to capital requirements for depository institution holding companies or nonbank financial companies supervised by the Board of Governors.

''(3) RULE OF CONSTRUCTION ON ACCOUNTING PRINCIPLES.—

''(A) IN GENERAL.—A depository institution holding company or nonbank financial company supervised by the Board of Governors of the Federal Reserve that is also a person regulated by a State insurance regulator that is engaged in the business of insurance that files financial statements with a State insurance regulator or the National Association of Insurance Commissioners utilizing only Statutory Accounting Principles in accordance with State law, shall not be required by the Board under the authority of this section or the authority of the Home Owners' Loan Act to prepare such financial statements in accordance with Generally Accepted Accounting Principles.

''(B) PRESERVATION OF AUTHORITY.—Nothing in subparagraph (A) shall limit the authority of the Board under any other applicable provision of law to conduct any regulatory or supervisory activity of a depository institution holding company or non-bank financial company supervised by the Board of Governors, including the collection or reporting of any information on an entity or group-wide basis. Nothing in this paragraph shall excuse the Board from its obligations to comply with section 161(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5361(a)) and section 10(b)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2)), as appropriate.''.

SA 3230. Ms. STABENOW (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 453, condemning the

death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy; as follows:

On page 3, line 5, strike ''son'' and insert ''children''.

SA 3231. Ms. STABENOW (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 453, condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy; as follows:

In the second whereas clause of the preamble, strike ''is eight months pregnant and being held in Omdurman Federal Women's Prison with her 20-month-old son'' and insert ''is being held in the Omdurman Federal Women's Prison with her newborn daughter and 20-month-old son''.

In the ninth whereas clause of the preamble, strike ''conscience.'' and insert ''conscience,''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 3, 2014, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 3, 2014, at 9:30 a.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''Surface Transportation Reauthorization: Examining the Safety and Effectiveness of our Transportation Systems.''

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

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 3, 2014, at 10:30 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Examining a Constitutional Amendment to Restore Democracy to the American People.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 3, 2014, at 2:30 p.m.

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

SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Green Jobs and the New Economy of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 3, 2014, at 10 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Farming, Fishing, Forestry and Hunting in an Era of Changing Climate.''

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

SUBCOMMITTEE ON WATER AND POWER

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 3, 2014, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

EXECUTIVE SESSION

NOMINATION DISCHARGED

Ms. STABENOW. I ask unanimous consent that the Senate proceed to executive session and that the agriculture committee be discharged from further consideration of PN 1642; that the Senate proceed to consideration of the nomination and that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

COMMODITY FUTURES TRADING COMMISSION

J. Christopher Giancarlo, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2019.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

INSURANCE CAPITAL STANDARDS CLARIFICATION ACT OF 2014

Ms. STABENOW. I ask unanimous consent that the committee on banking be discharged from further consideration of S. 2270 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2270) to clarify the application of certain leverage and risk-based requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. STABENOW. Madam President, I ask unanimous consent that the Collins substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 3229), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Insurance Capital Standards Clarification Act of 2014''.

SEC. 2. CLARIFICATION OF APPLICATION OF LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

Section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5371) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) BUSINESS OF INSURANCE.—The term 'business of insurance' has the same meaning as in section 1002(3).

''(5) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term 'person regulated by a State insurance regulator' has the same meaning as in section 1002(22).

''(6) REGULATED FOREIGN SUBSIDIARY AND REGULATED FOREIGN AFFILIATE.—The terms 'regulated foreign subsidiary' and 'regulated foreign affiliate' mean a person engaged in the business of insurance in a foreign country that is regulated by a foreign insurance regulatory authority that is a member of the International Association of Insurance Supervisors or other comparable foreign insurance regulatory authority as determined by the Board of Governors following consultation with the State insurance regulators, including the lead State insurance commissioner (or similar State official) of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners, where the person, or its principal United States insurance affiliate, has its principal place of business or is domiciled, but only to the extent that—

''(A) such person acts in its capacity as a regulated insurance entity; and

''(B) the Board of Governors does not determine that the capital requirements in a specific foreign jurisdiction are inadequate.

''(7) CAPACITY AS A REGULATED INSURANCE ENTITY.—The term 'capacity as a regulated insurance entity'—

''(A) includes any action or activity undertaken by a person regulated by a State insurance regulator or a regulated foreign subsidiary or regulated foreign affiliate of such person, as those actions relate to the provision of insurance, or other activities necessary to engage in the business of insurance; and

''(B) does not include any action or activity, including any financial activity, that is not regulated by a State insurance regulator or a foreign agency or authority and subject to State insurance capital requirements or, in the case of a regulated foreign subsidiary or regulated foreign affiliate, capital requirements imposed by a foreign insurance regulatory authority.''; and

(2) by adding at the end the following new subsection:

''(c) CLARIFICATION.—

''(1) IN GENERAL.—In establishing the minimum leverage capital requirements and

minimum risk-based capital requirements on a consolidated basis for a depository institution holding company or a nonbank financial company supervised by the Board of Governors as required under paragraphs (1) and (2) of subsection (b), the appropriate Federal banking agencies shall not be required to include, for any purpose of this section (including in any determination of consolidation), a person regulated by a State insurance regulator or a regulated foreign subsidiary or a regulated foreign affiliate of such person engaged in the business of insurance, to the extent that such person acts in its capacity as a regulated insurance entity.

''(2) RULE OF CONSTRUCTION ON BOARD'S AUTHORITY.—This subsection shall not be construed to prohibit, modify, limit, or otherwise supersede any other provision of Federal law that provides the Board of Governors authority to issue regulations and orders relating to capital requirements for depository institution holding companies or nonbank financial companies supervised by the Board of Governors.

''(3) RULE OF CONSTRUCTION ON ACCOUNTING PRINCIPLES.—

''(A) IN GENERAL.—A depository institution holding company or nonbank financial company supervised by the Board of Governors of the Federal Reserve that is also a person regulated by a State insurance regulator that is engaged in the business of insurance that files financial statements with a State insurance regulator or the National Association of Insurance Commissioners utilizing only Statutory Accounting Principles in accordance with State law, shall not be required by the Board under the authority of this section or the authority of the Home Owners' Loan Act to prepare such financial statements in accordance with Generally Accepted Accounting Principles.

''(B) PRESERVATION OF AUTHORITY.—Nothing in subparagraph (A) shall limit the authority of the Board under any other applicable provision of law to conduct any regulatory or supervisory activity of a depository institution holding company or non-bank financial company supervised by the Board of Governors, including the collection or reporting of any information on an entity or group-wide basis. Nothing in this paragraph shall excuse the Board from its obligations to comply with section 161(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5361(a)) and section 10(b)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2)), as appropriate.''.

The bill (S. 2270), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CONDEMNING THE DEATH SENTENCE AGAINST MERIAM YAHIA IBRAHIM ISHAG

Ms. STABENOW. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to S. Res. 453.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 453) condemning the death sentence against Meriam Yahia Ibrahim Ishag, a Sudanese Christian woman accused of apostasy.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. I ask unanimous consent that the Rubio amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the Rubio amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 3230) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 3, line 5, strike ''son'' and insert ''children''.

The resolution, as amended, was agreed to.

The amendment (No. 3231) was agreed to, as follows:

In the second whereas clause of the preamble, strike ''is eight months pregnant and being held in Omdurman Federal Women's Prison with her 20-month-old son'' and insert ''is being held in the Omdurman Federal Women's Prison with her newborn daughter and 20-month-old son''.

In the ninth whereas clause of the preamble, strike ''conscience.'' and insert ''conscience,''.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 453

Whereas, on May 15, 2014, a Sudanese court affirmed a sentence of death by hanging for 27-year-old Meriam Yahia Ibrahim Ishag, a Christian woman accused of apostasy for refusing to recant her Christian faith, and ordered her to receive 100 lashes for adultery because under Sudan's Shari'ah law such inter-religious marriages are illegal;

Whereas Ibrahim is being held in the Omdurman Federal Women's Prison with her newborn daughter and 20-month-old son;

Whereas the Department of State has designated Sudan as a ''Country of Particular Concern'' under the International Religious Freedom Act of 1998 (Public Law 105–292) based on the government's systematic, ongoing, and egregious violations of religious freedom since 1999;

Whereas the Sudanese 1991 Criminal Code allows for death sentences for apostasy, stoning for adultery, cross-amputations for theft, prison sentences for blasphemy, and floggings for undefined acts of ''indecency'';

Whereas, according to the United States Commission on International Religious Freedom (USCIRF), the Government of Sudan, led by President Omar Hassan al-Bashir, continues to engage in systematic, ongoing, and egregious violations of religious freedom or belief, imposes a restrictive interpretation of Shari'ah law on Muslims and non-Muslims alike and, along with other National Congress Party leaders, President al-Bashir has stated that Sudan's new constitution, when drafted, will be based on its interpretation of Shari'ah;

Whereas, according to USCIRF, since South Sudan's independence from Sudan in 2011, the number and severity of harsh Shari'ah-based judicial decisions in Sudan has increased, including sentences of amputation for theft and sentences of stoning for adultery;

Whereas the United States Government has designated Sudan as a State Sponsor of Terrorism since August 12, 1993, for repeatedly providing support for acts of international terrorism;

Whereas the Sudanese 2005 Interim Constitution states that ''[t]he State shall respect the religious rights to (a) worship or assemble in connection with any religion or belief'';

Whereas the International Covenant on Civil and Political Rights, which the Government of Sudan has acceded, provides that ''everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.'';

Whereas the Pew Research Center's Forum on Religion & Public Life found that, as of 2011, 10 percent of the 198 countries surveyed had apostasy laws which can, and have been, used to punish both Muslims and non-Muslims in countries such as Afghanistan, Pakistan, Morocco, and Sudan; and

Whereas people have the right to practice their faith without fear of death or persecution: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the charge of apostasy and death sentence of Meriam Yahia Ibrahim Ishag and calls for immediate and unconditional release of her and her children;

(2) encourages efforts by the United States Government to support religious freedom within Sudan, including by requiring, before normalizing relations or lifting sanctions under the International Religious Freedom Act of 1998 (Public Law 105–292) and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), that the Government of Sudan abide by international standards of freedom of religion or belief;

(3) urges the Government of Sudan to ensure that, when drafting the country's new constitution, the process is transparent and inclusive of civil society leaders and representatives of all major political parties, to ensure that the new constitution includes protections for freedom of religion or belief, respect for international human rights commitments, and recognition of Sudan as a multireligious, multiethnic, and multicultural nation;

(4) recognizes that every individual regardless of religion should have the opportunity to practice his or her religion without fear of discrimination;

(5) reaffirms the commitment of the United States Government to end religious discrimination and to pursue policies that guarantee the basic human rights of all individuals worldwide; and

(6) encourages the Department of State and the United States Agency for International Development to continue their support for initiatives worldwide that support religious freedom.

NATIONAL APHASIA AWARENESS MONTH

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 464, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 464) designating June 2014 as ''National Aphasia Awareness Month'' and supporting efforts to increase awareness of aphasia.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be

agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 464) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

COMMEMORATING THE CENTENNIAL OF WEBSTER UNIVERSITY

Ms. STABENOW. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 465, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 465) commemorating the centennial of Webster University.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 465) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 2422

Ms. STABENOW. Madam President, I understand that S. 2422, introduced earlier today by Senator SANDERS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2422) to improve the access of veterans to medical services from the Department of Veterans Affairs, and for other purposes.

Ms. STABENOW. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JUNE 4, 2014

Ms. STABENOW. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 4, 2014; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes; that at 11 a.m. the Senate proceed to executive session under the previous order.

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

PROGRAM

Ms. STABENOW. There will be four rollcall votes at 11 a.m. tomorrow on confirmation of three district judges and cloture on the Burwell nomination.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. STABENOW. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:29 p.m., adjourned until Wednesday, June 4, 2014, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination unanimous consent and the nomination was confirmed:

J. CHRISTOPHER GIANCARLO, OF NEW JERSEY, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2019.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 3, 2014:

DEPARTMENT OF STATE

KEITH M. HARPER, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE UN HUMAN RIGHTS COUNCIL.

COMMODITY FUTURES TRADING COMMISSION

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2017.

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

J. CHRISTOPHER GIANCARLO, OF NEW JERSEY, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2014.

SHARON Y. BOWEN, OF NEW YORK, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2018.

J. CHRISTOPHER GIANCARLO, OF NEW JERSEY, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2019.