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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, December 16, 2014, at 12 noon.

Senate

MONDAY, DECEMBER 15, 2014

The Senate met at 10 a.m. and was called to order by the Honorable JOE DONNELLY, a Senator from the State of Indiana.

PRAYER

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

Let us pray.

Almighty God, the center of our joy. On this special day when I am honored to participate in Senator MARK KIRK's retirement ceremony from the U.S. Navy Reserve at the Pentagon, thank You for his service to You and country. Lord, we are also grateful for all of our military men and women who back their words with courageous deeds.

In this season that brings tidings of a coming dawn, guide our lawmakers through the darkness that precedes the breaking of day. You have guided this Nation through stormy places, and we have felt the winds and have been tossed by troubled seas. May our Senators, amid the tumult, hear the whisper of Your promise to never forsake us. Remind us of life's brevity so that we will number our days and have hearts of wisdom.

We pray in Your marvelous Name. Amen.

NOTICE

If the 113th Congress, 2nd Session, adjourns sine die on or before December 24, 2014, a final issue of the *Congressional Record* for the 113th Congress, 2nd Session, will be published on Wednesday, December 31, 2014, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Tuesday, December 30. The final issue will be dated Wednesday, December 31, 2014, and will be delivered on Monday, January 5, 2015.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record @Sec.Senate.gov".

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

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

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PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 15, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOE DONNELLY, a Senator from the State of Indiana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. DONNELLY thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SENATE CHAPLAIN, DR. BARRY C. BLACK

Mr. REID. Mr. President, for those watching the opening of the Senate, I am sure some are wondering why the Chaplain was dressed in a Navy dress uniform. He is an admiral in the U.S. Navy. He has spent many years traveling the world, and we are so fortunate to have this good man here.

It is always difficult to know what to call him—doctor, chaplain, mister, admiral, and on and on. But what I call him is just a fine man, a real gentleman. So for those who are watching, he has his uniform on because he is an admiral in the U.S. Navy.

SCHEDULE

Mr. REID. Mr. President, following my remarks, the Senate will proceed to executive session to debate the Murthy, Santos, Rose, Saldana, and Blinken nominations.

BLINKEN NOMINATION

I am not going to speak extensively on any of these. I will just say now, Tony Blinken I have known for many years. He was integral to the success of JOE BIDEN, as U.S. Senator, and has been with him as Vice President. Now he is going to be the second in command at the State Department.

When we have our briefings in the classified room, there is no one who is more articulate and can answer the questions any better than Tony Blinken. I have great admiration for him. I think we as a country are so fortunate he is going to be in the position he is in.

At 5:30 today there will be four rollcall votes. Those votes will be as follows: cloture on Murthy to be Surgeon General of the United States, confirmation of the Murthy nomination, cloture on the Santos nomination to be a member of the Defense Nuclear Facilities Safety Board, and cloture on Executive Calendar No. 635, Frank Rose to be an Assistant Secretary of State.

This man has been waiting 513 days, an extremely important job: verification of plants, nuclear. I don't think the Republicans dislike him. They don't like the job he is going to have. They have left it basically empty for all this time.

So we have some important stuff to do. We can complete everything we wanted to today—today. Everything that is scheduled now for the week, we can finish today. I hope everyone understands we can move forward, but we are going to have to be here until we finish our work, whether that is Tuesday, Wednesday, Thursday, Friday or Saturday. So everyone should understand they can't be leaving.

I know we all have things to do. I haven't been home in such a long time and I want to go home. I bought a new home there. As everyone knows, I sold my place in Searchlight and bought a home in the Greater Las Vegas area. I would like to be able to see the home. I have not slept in it. We bought it in May and I have not been there. My wife is there waiting, getting ready for the move in, which is now taking place. So we have a lot of work to do. We have to work together to get it done as quickly as possible.

TRIBUTE TO DEPARTING SENATORS

MARK BEGICH

Mr. REID. Mr. President, Alaska is a State unlike any other State in the country. Often referred to as the ''last frontier,'' Alaska's landscape is as breathtakingly beautiful as it is immense. Its residents are some of the most kind and accepting people one would ever meet. Any person who represents the State of Alaska must possess a true love for the exceptional beauty of this region and the vastness of it. It is so far away from everything. The capital Juneau, you can only get there in an airplane. That is the only way you can get to the capital of the State of Alaska. So I am going to spend a little bit of time talking about Senator MARK BEGICH and his faithful service to the people of Alaska.

There is no surprise that he is dedicated to Alaska and the people of Alaska. His father, Congressman Nick Begich, was dedicated to Alaska, as has been his mom Peggy. They moved to the then-Territory of Alaska in 1957 to teach school. Congressman Begich became involved in Alaskan politics and successfully ran for a seat in the U.S. House of Representatives.

Tragedy struck. The whip of the House, Hale Boggs, and he were in Alaska campaigning and they were flying to an event. The plane disappeared. They searched, they searched, they searched. After 2 months, Congressman Boggs, Congressman Begich, and the pilot were declared dead. Their plane and bodies to this day have not been found. They are hidden someplace in the vastness of Alaska, in one of the mountains or the many bodies of water. We don't know.

In spite of this heartbreaking loss, the Begich family has pushed on. His mother continued to raise six children alone while managing real estate properties and being active in local politics.

By the age of 17, MARK had already acquired his mother's business acumen, starting his first business, a jewelry venture, and also owning and managing real estate. One reason Senator BEGICH has been a good Senator is because of his innate business acumen.

At age 26, he was elected to the Anchorage Assembly, which is the city council, a position he held for 10 years. Then in 2003 he was elected mayor of Anchorage. He served two terms before running for the Senate.

Now, 2008 was a dark time for Alaskan politics, but MARK'S Senate victory brought a fresh face and new hope to the State. From the time he stepped foot on the Senate floor, he has not let the people of Alaska down. He has fought to expand economic opportunity, to defend the rights of Alaska Natives, and to fortify rural Alaska. Senator BEGICH's efforts to reform the Alaskan veterans health care system was exemplary, and it is a blueprint for a bipartisan solution that the Senate reached this year to reform the Department of Veterans Affairs.

Senator BEGICH has made tremendous contributions to the Senate over the past 6 years. I know he will continue to fight for what is best for Alaska as he transitions into the next stage of his life. I hope public service is somewhere in MARK's future. Every State needs a man of his quality. He will always have his wife Deborah and his son Jacob by his side.

I can remember the first time I saw Jacob was right behind us by the Ohio clock. President Obama walked by and that little boy yelled ''Obama!'' So his little boy loves politics.

It has truly been an honor to serve with Senator BEGICH. I am glad he has been part of our leadership team as head of the steering committee. He has done a remarkable, good job. I thank him again for his service to the Senate and certainly to our country.

MARK UDALL

Mr. President, the famous English poet William Blake once said, ''Great things are done when men and mountains meet.'' There could be nothing more apt when talking about MARK UDALL than when we talk about men and mountains. He knows mountains.

He has climbed nine Himalayan peaks. He has climbed Mount McKinley. He has climbed 99 of the highest summits in Colorado, and that is the place where we have the great Rockies. Those are big mountains. He once attempted to scale Mount Everest but was stopped by a severe storm. Some of us, while we were waiting to finish our work on Saturday, told me they were hoping to go skiing on Sunday.

I said: Where are you going to go skiing?

I don't know the name of the place.

How high is that place?

Eight hundred feet.

In the Sierra Nevada mountains where I am from, and the Rockies, that is not a mountain. We have mountains in Colorado and Nevada.

MARK UDALL once attempted to scale Mount Everest and was nearly there when one of the most violent storms came. Using good sense, he decided they shouldn't do it, and it was the right thing to do. People die by saying they are stronger than nature. He understands his limitations, and his limitations are not very much. MARK is a tremendous athlete. He could do anything athletically. He has the genes of his dad, Morris Udall, whom I had the good fortune of serving with in the House of Representatives. Morris Udall is the only person to have played professional basketball being blind in one eye, couldn't see, but he was able to adjust his perceptive qualities with a basketball hoop to play professional basketball.

We all felt MARK'S loss when his brother Randy was found dead. He was found dead in the place he loved more than anyplace else, the Wind River Mountains in Wyoming. That is where Randy loved to go. That is where MARK loves to go. People told Randy he shouldn't go alone, but he went alone and it appears maybe he had a heart attack while he was out there. They found him several weeks later in the mountains he loved, dead. It was real tough for MARK, who looked up so much to his brother. MARK, though, has met many mountains and done many great things.

He served in the House of Representatives where he was stellar. But it is the work in the Senate where his greatest feats have been accomplished. In 2013 there were storms in Colorado and there was catastrophic flooding. It was very bad. Lives were lost, homes washed away. The people of Colorado needed help, and MARK would not stop. He held up legislation until the people of Colorado got what they deserved. He helped secure nearly $1 billion in Federal assistance for the people of his State, money to rebuild homes, bridges, roads, and reestablish lives.

While he dedicated himself to protecting the people of Colorado, he also was committed to safeguarding the constitutional rights of all Americans. Who has done more in exposing what has been going on with the invasion of people's privacy? No one has done more than MARK. He has done this in a number of different ways. But as a member of the Intelligence Committee, his work sounded the alarm about the National Security Administration's bulk data collection program. He fought to end the CIA's detention and interrogation program, and together with Senator FEINSTEIN has pushed to make public the committee's study of the CIA's torture program.

People have said: Perhaps if MARK had not been so concerned about individual rights, about the bulk data collection, about the torture, maybe he would have been reelected. But that is not MARK UDALL. He comes from a family with a long tradition of public service, as I have indicated. His uncle Stewart was Secretary of the Interior, after having served in Congress for many years representing the State of Arizona, as did his dad Mo Udall. Mo Udall was one of the most recognizable Congressmen in the entire 20th century, having run for President, and he had a sense of humor that was really quite remarkable.

Here in the Senate MARK has cousins. It has been interesting. During the last few years, we have had a lot of cousins: MARK, TOM, MIKE LEE, Gordon Smith—all cousins, first cousins. How did that come about? MARK would, as he did just a day or two ago, look and kind of smile and say: It could have been polygamy. And it was. But they are a very, very close family, a very close family.

In spite of the closeness of TOM and MARK—two brothers could not be closer than these two men. They climb mountains together. I have talked to them about putting on crampons, these spikes you put on your shoes to climb the ice. These are adventurers.

So we are going to miss MARK. But he has forged his own path and his own legacy.

Now, as his time in the Senate draws to a close, he will carry that legacy to other endeavors.

I wish MARK all the best. It has been such a privilege to serve with him. He will be deeply missed.

TAX INCREASE PREVENTION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 627, which is H.R. 5771.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 627, H.R. 5771, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF VIVEK HALLEGERE MURTHY TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

NOMINATION OF DANIEL J. SANTOS TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOMINATION OF FRANK A. ROSE TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE)

NOMINATION OF SARAH R. SALDANA TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY

NOMINATION OF ANTONY BLINKEN TO BE DEPUTY SECRETARY OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service; Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board; Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance); Sarah R. Saldana, of Texas, to be an Assistant Secretary of Homeland Security; and Antony Blinken, of New York, to be Deputy Secretary of State.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MURTHY NOMINATION

Mr. BARRASSO. I rise today to oppose the nomination of Dr. Vivek Murthy to be Surgeon General of the United States. The Surgeon General is known as America's doctor. Americans have great respect for this important position. They expect their Surgeon

General to be someone who has substantial experience in helping patients, in helping improve their health, and in helping them reduce their risk of illness and injury.

This important position has been vacant since July of 2013, about a year and a half. It is far too long, and it has been completely avoidable. We have seen how the Obama administration has struggled in response to important health issues such as the Ebola crisis. America should have had a Surgeon General in the job to lead in the fight against Ebola and to take on other serious health challenges as well.

Dr. Murthy is a smart man who is very well educated. He has an undergraduate degree from Harvard, an MBA from Yale, and an M.D. from the Yale School of Medicine. These are impressive academic credentials, and I am sure he will be a fine doctor, but they are simply not sufficient qualifications for this important job.

Is Dr. Murthy a renowned expert in treating patients or researching diseases? No, not at all. Has he actually built a career teaching medicine or leading major public health organizations? No, not yet. In fact, Dr. Murthy only completed his residency in 2006—just 8 years ago. I speak as someone who has actually practiced medicine for 25 years, has been an instructor of surgery at Yale Medical School, which Dr. Murthy attended, and I saw that being a doctor is about much more than going to school. Doctors learn more and more as they progress through their careers and spend more time with their patients, listening to patients and the patients' families. Dr. Murthy has not had the time to develop these kinds of skills.

So what qualifies him to be Surgeon General of the United States? Well, in 2008, just 2 years out of his residency, he founded a group called Doctors for Obama; the purpose: to elect a President. The majority of his career has been spent not as a doctor treating patients but as an activist—an activist focused on gun control and political campaigns.

Even former Surgeon General Richard Carmona has said Dr. Murthy doesn't have the medical experience to serve in such an important position. Let me point out that Dr. Carmona is a Democrat. He wrote an article for the Huffington Post on December 4. It was entitled ''In Search of a Surgeon General.'' I will read a little bit of what he wrote. He said:

> We don't appoint doctors early in their career to be a university Dean or Chairman. Graduate business students at the top of their class don't become instant CEOs. Top law graduates of elite law schools don't get nominated to be U.S. Attorney General or a Supreme Court Justice. Why would the U.S. Surgeon General be any different?

He concludes by asking:

> Is the health, safety, and security of the Nation any less important?

Is the health, safety, and security of the Nation any less important? Well, no, the health, safety, and security of the Nation are not less important, and the job of Surgeon General is not less important.

Americans want the same thing from a Surgeon General as they want from their own doctors. People want honest and straightforward advice about medical dangers, such as cancer, heart attacks, and stroke. They don't want an inexperienced, unqualified political appointee. Patients don't want a doctor who might let political ideology get in the way of treatment and their best interest. Americans don't want a Surgeon General who might use this position of trust to promote his own personal campaign against the Second Amendment of the Constitution.

This is just another example of President Obama giving someone an important job based solely on their support of the President's political career—just like his nomination of a soap opera producer to be Ambassador to Hungary or the President's nomination of a man to be Ambassador to Norway when the person didn't know the first thing about the country. Of course, both those nominations to be Ambassadors had funneled hundreds of thousands of dollars to the President's campaigns. Well, those nominations were embarrassing, and so is this nomination to be Surgeon General.

This office of Surgeon General is not just an honorary title. It is not just a figurehead position. The Surgeon General commands the entire Commissioned Corps of the uniformed public health officers. There are 6,700 people whom the Surgeon General commands. It is one of the key positions leading America's public health efforts.

America has a long history of qualified and talented people filling this job. When President Bill Clinton nominated David Satcher in 1998, Dr. Satcher had already served as president of a medical school and as Director of the Centers for Disease Control and Prevention. C. Everett Koop spent 35 years as a leading world-renowned pediatric surgeon. They were substantial candidates who brought serious experience to the job. The responsibilities of being America's Surgeon General require a strong, professional leader, and the American people deserve a qualified nominee. There is a long list of capable doctors who could meet those requirements. The President should pick one of them.

Over the years, we have seen that when the President has nominated qualified people for this position, the Senate has approved their nominations on overwhelmingly bipartisan votes. When President Obama nominated Regina Benjamin to be Surgeon General, she was confirmed unanimously, as was Richard Carmona when President Bush nominated him. Today, even Democrats have objected to the nomination of Dr. Murthy.

So why are we wasting the Senate's time talking about this now? Well, if President Obama thinks Dr. Murthy is qualified, why haven't we already voted on him? He was nominated more than a year ago—more than a year ago. We had the Ebola crisis and no Surgeon General. He was nominated more than a year ago. His confirmation hearing in the committee was last February. The majority leader could have brought this up for a vote at any time in the past 9 months, but he didn't do it. Why? Because he knew this nominee—this unqualified, partisan nominee—didn't have the votes. He could not get the votes on the Democratic side of the aisle. The nomination would have been an embarrassment before the election.

Now is not the right time for this nomination, and this is not the right job for Dr. Murthy. The Ebola problem and the other health crises facing our Nation are enormous challenges that require skills and talents that this nominee has simply not had time to develop and which he has so far not demonstrated in his career.

I wish to close by quoting from a letter former Surgeon General Carmona sent to all of the Members of the Senate earlier this month. He sent it to each and every one of us. I ask unanimous consent that the letter be printed in the RECORD.

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

DECEMBER 1, 2014.

DEAR SENATOR, I am writing to express my concern over the present nominee for U.S. Surgeon General whose name may be submitted to you for confirmation during the remaining Senate session. The U.S. Surgeon General is the doctor of the nation and the commander of the U.S. Public Health Service Commissioned Corp, one of the seven uniformed services of the United States. The nominee, Dr. Vivek Murthy is a physician very early in his career with great promise but no formal public health education, training, leadership or management experience.

However, he was the founder of Doctors for Obama, a partisan organization supporting the election and policies of President Obama. His partisanship and lack of qualifications for the job of Surgeon General give this nomination the scent of political patronage. In addition, the position of Surgeon General is a uniformed services position with the rank of Vice Admiral. The nominee has no uniformed service experience, does not merit this rank and his confirmation would undermine the credibility and authenticity of the Office of the Surgeon General while demeaning the selfless service of qualified career uniformed officers who merit consideration.

The public we have the privilege to serve deserves and expects a Surgeon General who, through extensive education, experience, training and service, merits the position of Surgeon General of the United States.

For these reasons, I respectfully request that if this nomination comes before you that you reject it in favor of a qualified career USPHSCC officer who merits your consideration.

Sincerely,

RICHARD H. CARMONA,
M.D., M.P.H., FACS.

Mr. BARRASSO. Dr. Carmona writes:

> His partisanship and lack of qualifications for the job of Surgeon General gives this nomination the scent of political patronage.

That is from a Democrat who actually served as Surgeon General and knows what it takes to do the job well.

Dr. Carmona added in his letter to all of the Members of the Senate:

His confirmation would undermine the credibility and authenticity of the Office of Surgeon General, while demeaning the selfless service of qualified career uniformed officers who merit consideration.

That is whom the President of the United States has chosen to nominate—someone who would undermine the credibility and authenticity of the Office of Surgeon General, while demeaning the selfless service of qualified career uniformed officers who merit consideration.

Americans deserve a Surgeon General who has substantial experience in managing complex crises and delivering patient care. The American people deserve a Surgeon General who has proven throughout his or her career that their main focus is a commitment to patients, not a commitment to politics.

Dr. Murthy has time to learn, time to gain experience, and that may make him a fine Surgeon General someday, but that day is not today. I call on the Senate to defeat the nomination of Dr. Murthy for Surgeon General of the United States.

I thank the Presiding Officer.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, I see my friend from Wyoming, who spoke on the floor earlier and is in the Chamber, and I wish to publicly acknowledge—and I hope he will too—that we are friends, but we disagree on the nomination of Dr. Murthy to be the next Surgeon General. I will speak for a few moments about why I support him, and I hope a majority of Members will join me in supporting his nomination.

This is an indication of what can go wrong in the Senate. We received this nomination from the President of the United States to fill the post of Surgeon General, which was reported from the committee in February of this year. Obviously we are in December. It has been sitting here since February. In fact, the post of Surgeon General has been vacant since July of 2013.

The Surgeon General is supposed to be one of the leaders in America speaking to issues on public health. Can anyone think of a public health issue we have had to face since February when Dr. Murthy was reported to the floor of the Senate? Perhaps one of the deadliest diseases that has ever been recorded is being fought in west Africa, and we are being asked on a regular basis how we will respond in the United States. The Centers for Disease Control plays a major role in it but, historically, Surgeons General have played a major role when we faced similar public health challenges.

I can remember coming to the U.S. House of Representatives years ago when President Reagan had been elected, and he had chosen C. Everett Koop to be his Surgeon General. C. Everett Koop was a controversial choice by President Reagan because he had been outspoken on some major political issues. He personally had strong feelings against abortion and had said as much before his nomination, and some other issues. It led many people to believe he was too political for the job and that President Reagan had made the wrong choice. But Koop was chosen. Despite the fact that he had been at least engaged as a medical doctor in discussing political issues, he was chosen. I wasn't in the Senate at the time; I didn't have a vote when it came to his choice, but I will tell my colleagues this: When Dr. Koop took over as Surgeon General, he made it clear he understood his obligation was to be the Nation's doctor, not the Nation's leading medical politician. He did some extraordinary things. I don't know what America would have been like if it were not for Dr. Koop's presence, pushing back on a lot of political spin when it came to public health issues—issues involving AIDS, for example.

It is no secret—it is well known—that many politicians—in both parties, for that matter—were reluctant to go into the whole issue of the AIDS crisis in America for a variety of reasons. But if my colleagues will remember, history shows that under Dr. Koop, we ended up mailing every household in America to let them know about the danger of the AIDS epidemic. That was an extraordinary act of public leadership when it came to public health, and Dr. Koop was Surgeon General when that occurred. So those who worried that C. Everett Koop was too political for the job were disabused of that notion as we watched his service to our country.

I make that point because I don't want the same mistake to be made in criticizing Dr. Vivek Murthy whom we are going to vote on later today to be our next Surgeon General. It is true that he has engaged in political activity, as any American citizen is entitled to. I hope that will not disqualify him. When I read in a few moments the groups that are supporting him, people will understand he isn't in this position of being nominated simply because of his political activity. He has extraordinary backing of individuals in the medical profession.

Now we need him more than ever. We need to fill the post of Surgeon General of the United States of America. We hope we can see an end to the Ebola epidemic, but we are not quite there. But we ought to have a Surgeon General in the United States of America. To think we have waited since February while this doctor's name has been on our calendar, and we had to use some extraordinary parliamentary moves to even bring his name up for a vote. I think it is time for us to vote and it is time for us to confirm the nomination of Vivek Murthy as our next Surgeon General.

This past year, Americans have battled public health crises on all fronts. Here at home, parents watched while a severe strain of enterovirus spread from State to State, threatening young children. My home State of Illinois was one of the hardest hit. I heard from doctors across the State that the minute they discharged one child with respiratory symptoms from the emergency room, another came in.

Abroad, we still face the worst Ebola epidemic in history. With over 6,300 deaths and many more diagnosed with this devastating disease, now more than ever America needs to fill the spot of top doctor. It has been vacant since July—since July of last year. Dr. Murthy is that doctor, and I am proud to vote for him as the next U.S. Surgeon General. I am hoping my colleagues will join me.

Let me tell my colleagues a little bit about his background. Dr. Murthy is an attending physician at Brigham and Women's Hospital and an instructor at the Harvard Medical School. Part of what is extraordinary about him is that as well as treating his patients individually, he also thinks about the systemic issues affecting the health of patients and tackles those as well. He is a leading voice in public health, publishing his research on the participation of women and minorities in cancer clinical trials and top journals, including Science, Journal of the American Medical Association, and Journal of the National Cancer Institute.

Critics of Dr. Murthy who say he is not up to the job should look at the literature. He has published in medical research areas of great importance. He also cofounded and chairs the Trial Networks, a software company that helps clinical researchers collaborate more effectively and efficiently with drug developers to speed up drug discovery.

In 2011, Dr. Murthy was appointed to the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health. Over 100 national, State, and local public health organizations have endorsed his nomination. They describe him as ''a well-qualified, forward-thinking, innovative leader with a strong commitment to public health.''

Does that sound like a political hack when 100 organizations say that about this doctor?

The organizations that support Dr. Murthy include the American College of Physicians, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Public Health Association, the American Hospital Association, the American Cancer Society, the American Heart Association, the American Diabetes Association, and the list goes on from there.

In his confirmation hearing before the Senate HELP Committee last February, Dr. Murthy stated that, if confirmed, he would prioritize his efforts on obesity and tobacco-related disease and ''make prevention and health promotion the backbone of our communities.''

This is a priority I share with Dr. Murthy. For the past 30 years, serving in the House and Senate, I have worked on the issue of tobacco and public policy. I have worked to reduce youth smoking, implement programs to help people quit, and rein in the most insidious practices of the tobacco industry. Moreover, as a cochair of the Senate Hunger Caucus, I have become familiar with the complex and arguably unjust way food is distributed and consumed in America, leaving communities—including many in Illinois—simultaneously facing high levels of food insecurity and high rates of obesity.

Obesity and tobacco-related diseases are part of a growing trend of chronic disease that account for 7 out of the top 10 causes of death in America and make up 84 percent of America's health care costs. Dr. Murthy says these are his priorities. They should be. These statistics are unacceptable.

I believe Dr. Murthy understands the importance of the national crises before him. I feel confident that his experience, his training, and his tenacity have proved that he has the qualifications needed to tackle these issues.

Not only is Dr. Murthy an outstanding doctor and public health expert, he also remains closely connected to his community and family.

Dr. Murthy was born to parents who originally were from the southern part of India. He came to the United States at the age of 3 and grew up in Miami, FL. He did very well in school. He was valedictorian of his high school, graduated magna cum laude from Harvard in just 3 years, and then got a combined medical and business degree from Yale.

So Senators come to the floor and question this man's resume, his ability? For goodness sakes. He has an extraordinary background and that is why the President nominated him.

From a very early age, Dr. Murthy did not set out to make money, he set out to make a difference. In 1995 he cofounded Visions Worldwide, a nonprofit organization that conducts and supports HIV/AIDS education and empowerment programs in India. Until 2003, he served as the president of that organization and then board chair. He is a dedicated uncle and friend, consistently described by those who know him as humble, soft-spoken, and tireless. I know the Indian-American community across this Nation is so proud of Dr. Murthy's accomplishments, as all of us should be.

Many years ago I worked for a State Senator in Illinois named Cecil Partee. Cecil Partee used to say, For every political controversy, when you listen to the arguments, understand there is a good reason and a real reason.

What is the real reason for the opposition to Dr. Murthy? It may have come down to just one thing he said. It was alluded to by the Senator from Wyoming earlier. In an online post, he said he believed gun violence was a public health issue. Gun violence, a public health issue. For making that statement, he has been pilloried and excoriated by the gun lobby, and that may be a major reason why his nomination is controversial.

I am proud to represent the city of Chicago and the State of Illinois. Gun violence is a public health problem. Go into the emergency rooms—and I can give the names of the list of hospitals in Chicago to start with. Go to the emergency room on Friday or Saturday night and you tell me that gun violence isn't a public health issue. In those emergency rooms we see the victims of gun violence, many of them fighting for their lives. If we go to Mount Sinai Hospital in the Englewood section of Chicago, we can look across the street to a rehab institute. Those who have survived gun violence at Mount Sinai go across the street to the Schwab Rehabilitation Hospital and learn how to live a life as a paraplegic or a quadriplegic. Does that have anything to do with public health? It certainly does. Gun violence is a public health issue, no apology necessary.

I think Dr. Murthy, as has Dr. Koop, has made it clear they are not aspiring to be the leading doctor in America to engage in a political debate, but rather to engage in public health debates about obesity and tobacco and things that make a dramatic difference to the lives of so many people who live in this country.

I am supporting Dr. Murthy. I think he will be an extraordinary Surgeon General. I am sorry he and America have had to wait so long for this vote. I hope the majority of my colleagues will step up and support his nomination as well. At this time of challenge when it comes to public health issues, we need his leadership. We need his expertise. We need a person of this quality as Surgeon General of the United States.

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

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

TRIBUTE TO KAY HAGAN

Mr. REID. Madam President, North Carolina's official motto is a Latin phrase which means, simply translated, ''To be, rather than to seem.'' ''To be, rather than to seem'' means don't talk about being a hard worker—be a hard worker. Don't just pretend to be honest—be honest. If you talk about being sincere, be genuine about it. Senator KAY HAGAN, a native of Shelby, NC, embodies her State's motto. She is as genuine and honest as anyone could be. It is no wonder that in 2008, when the country was seeking change, the people of North Carolina elected KAY HAGAN to the Senate. From the moment she arrived, she got to work. The very first piece of legislation she cosponsored was the Lilly Ledbetter Act. Having worked as a corporate executive, KAY is aware of the difficulties working women face. This legislation was personal to KAY, and she saw it through until completion. The daughter of a veteran, KAY spent her time in the Senate creating sound policies to protect and benefit members of the U.S. armed services and their families. She has done this by virtue of her position, not only as a Senator but on that important Armed Services Committee.

As a former executive of North Carolina National Bank, KAY knows all of the challenges facing businesses in her State and how women have a little different view of how difficult it is to work their way through the corporate world. She has fought tirelessly to create a better climate for small businesses to create jobs and grow. On any given issue, at any given time, KAY HAGAN has advocated her position and has done it well. She refused to give up until meaningful solutions were discovered.

While I am sure Senator HAGAN will take some well-deserved time off to think about her future, I am convinced that her service on behalf of the people of North Carolina and the American people is not going to end.

Senator HAGAN has a lovely family. We all like Chip very much. He is a Navy Vietnam veteran. She has three children—Tilden, Jeanette, and Carrie. I wish her family the very best as they transition into a new chapter of their lives.

On a personal basis, no one has impressed me more as being a hard worker. We are so disappointed that she is now going to have to find different public service. I have no inside information, but she could be back in this body. I have no doubt the people of North Carolina are going to miss her dearly.

I applaud KAY HAGAN for serving the American people with conviction, and I look forward to the great things she will accomplish for North Carolina and our country in the future.

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.

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

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

Ms. COLLINS. Madam President,

I ask unanimous consent to speak as in morning business.

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

NATIONAL WOMEN'S HISTORY MUSEUM COMMISSION ACT

Ms. COLLINS. Madam President, last week the Senate passed the National Women's History Museum Commission Act, a bill that I authored with the dean of the Democratic women Senators, Senator MIKULSKI of Maryland. It passed finally as part of the National Defense Authorization Act.

Our legislation will create a commission to evaluate and plan the establishment of a museum dedicated to women's history right here in our Nation's Capital. I know the Presiding Officer shares my view that this is long overdue.

I am in fact pleased to have had all of the women Senators as cosponsors of this bill, and I am thankful for the support of many of our other colleagues as well. Senator MIKULSKI has been a terrific co-leader, and I thank her for her leadership.

A women's history museum is long overdue in Washington, DC. Think of it. We actually have a museum dedicated to honoring buildings. We have museums along the mall that commemorate various aspects of our history. We have the Air and Space Museum. There is a privately run Spy Museum. There is the Newseum, which honors journalism. There is a museum that honors Native Americans. Americans from all over this country can come to Washington and learn about our history and the contributions of the people who have made our Nation the greatest country in the world. Despite the plethora of museums, however, there has been no museum dedicated to the women who have helped to shape our Nation's history.

The legislation that was finally approved last week calls for a commission to fund its own costs, and it would be paid for entirely with private funds at no cost to American taxpayers.

This commission would put forth a plan for establishing a museum on women's history so that people who are coming to Washington can learn about the enormous contributions of women to our Nation's history.

Indeed, American women have made invaluable contributions to our country across such diverse fields as government, business, medicine, law, literature, sports, entertainment, the arts, and the military. A museum dedicated to women's history will help ensure that future generations understand what it is we owe to the many American women who have helped to build, sustain, and advance our society.

Such a museum will share the stories of pioneering women such as abolitionist Harriet Tubman, the founder of the Girl Scouts, Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, astronaut Sally Ride, and my personal inspiration, Maine Senator Margaret Chase Smith.

I first introduced legislation to establish a museum for women's history in 2003. Early the following year, the Senate unanimously approved my bill. Unfortunately, that legislation was not taken up by the House and died.

In 2005, the Senate again approved the legislation, but it too stalled in the House. With the passage finally of this commission bill, the effort to establish a museum for women's history in our Nation's Capital takes a positive step forward.

This bill will convene a talented, diverse, and skilled panel of historians, educators, museum administrators, and other experts with experience in women's history to make recommendations for the creation and the sustainment of such a museum.

It is important to emphasize that this museum will portray all aspects of women's contributions to our history, without partisanship or bias. The only political statement we will be making is to correct the longstanding omission of the role of women in America's history.

I also recognize and thank Chairwoman LANDRIEU and Ranking Member MURKOWSKI for their careful consideration of our bill by the Energy and Natural Resources Committee, which unanimously approved it last month.

Telling the history of the contributions of American women matters, and this bill takes a long overdue first step toward recognizing and honoring those who have shaped our shared American heritage. I look forward to the day when young girls and young boys visiting Washington will be able to visit a women's history museum to learn more about the remarkable contributions of American women to our Nation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. I ask unanimous consent that I be permitted to speak as in morning business.

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

TRIBUTE TO SAXBY CHAMBLISS

Ms. COLLINS. Madam President, it is a great pleasure but a bittersweet moment for me to rise on the Senate floor to pay tribute to a dear friend and an esteemed colleague, Senator SAXBY CHAMBLISS.

After 20 years in Congress—8 in the House and 12 here in the Senate—Senator CHAMBLISS retires from this phase of service to Georgia and to our Nation with a well-deserved reputation as a true statesman.

At a time when the coarsening political discourse across our Nation and here in Congress is a growing concern, Senator CHAMBLISS is a shining example of expertise and ability combined with civility and respect. He leaves Congress not only with many friends on both sides of the aisle, but also with many accomplishments to his credit.

His leadership in national security and intelligence in both Chambers has been a great asset to our Nation. From agriculture to armed services, Senator CHAMBLISS has been an informed and effective advocate for his constituents and for the American people.

The golfers here might consider the hole-in-one he famously scored in a foursome with President Obama last year to be worthy of mention. Personally, as the founder and cochair of the Senate Diabetes Caucus, I would consider his dedication to the cause of juvenile diabetes to be a true highlight.

I have also had the great pleasure of serving with Senator CHAMBLISS both on the Intelligence Committee, where he is the vice chairman, and previously on the Senate Armed Services Committee. I saw firsthand his extraordinary grasp of complicated issues that are so critical to the security of our Nation. I also witnessed how he would listen carefully to the views of others, whether on the Republican side of the aisle or from the Democratic Members on both committees.

But if there is one shining moment that stands out for me, it would be Senator CHAMBLISS's leadership in the Gang of 6 during the 2011 debt ceiling crisis. At a time when it was far easier to stand back, point fingers, and fix blame, Senator CHAMBLISS, along with Senator MARK WARNER, led the way in producing a framework to provide a bipartisan, comprehensive, and balanced way to put our Nation on a stable fiscal path. The fact that our national debt has grown from $16 trillion to $18 trillion since then makes it all the more imperative that we continue the effort, with the leadership that was shown by Senator CHAMBLISS and that he so courageously helped to start.

The fact that this dedicated and wise leader cited Washington gridlock and partisan posturing as the driving force in his decision to retire from the Senate should give us all cause to reflect.

Senator SAXBY CHAMBLISS has always been a voice of reason. No matter how bitter the debate, he has always engaged in thoughtful discussions that result in solutions. As he returns to private life, his advice will continue to be sought after and I hope heeded. His knowledge and insight will still be valued, and the example of decency and civility he has set should guide us all. I know his beloved wife, his children, and his grandchildren will be happy to have more of Senator CHAMBLISS's time, but for those of us who have been privileged to serve with him in the Senate, his decision to retire is a great loss.

The people of Georgia, the people of America, and those of us who have been privileged to serve as SAXBY CHAMBLISS's colleagues are grateful for his service. I wish him all the best in the years to come, both on and off the golf course.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTES TO DEPARTING SENATORS

MARY LANDRIEU

Mr. REID. Madam President, a noted author and analyst of human behavior, Stephen Covey, said, ''Strength lies in differences, not in similarities.''

For the last 18 years, Senate Democrats were stronger because of Senator MARY LANDRIEU. Her ability to shun political labels—instead of just going the route with Democrats and Republicans and Independents, she went her route. She made the United States a better place. She made the Senate a better place.

She had good training for being a consensus builder and somebody who liked compromise. I had the good fortune to serve in the Senate with other Louisiana Senators. I served with Bennett Johnston for many years on the Appropriations Committee. He was chairman of the Energy and Water Subcommittee on Appropriations. He was a good legislator. Not only did he help Louisiana a lot, he helped the country. And then there was John Breaux. He and I came to the Senate together. He was the dealmaker. He could put a deal together when no one thought one could be put together. So MARY LANDRIEU has had good Louisiana genes with those two men, and that is one of the reasons she has been as effective as she has been.

As I indicated, MARY came to the Senate with no partisan agenda. She was not interested in representing just liberals or just conservatives. She worked to represent all of Louisiana, which meant that sometimes she and I were not on the same side of an issue, and other times we were on the same side of an issue, but one thing was always certain: She was always on Louisiana's side.

The Landrieu family's political legacy runs long and deep in the State of Louisiana. She is the oldest of nine children. She is the daughter of Moon Landrieu, and her brother Mitch Landrieu is the mayor of New Orleans. Moon was a former mayor of New Orleans from 1970 to 1978, and was Jimmy Carter's Secretary of Housing and Urban Development.

A number of years ago, I toured New Orleans because she asked me to, as a member of the Appropriations Committee. I said, OK, I will go, but I have to see those pumps—p-u-m-p-s. I watched this show on national public broadcasting, and they talked about these old pumps that had been there since 1900 that still worked every day pumping the water.

New Orleans is below sea level and those pumps have to work 24 hours a day. I went to see those old, old pumps. They were so clean. That place was spotlessly clean using those very old pumps.

I toured Lake Pontchartrain. I learned so much about it. Most all of the highways in New Orleans were built using the seashells from that lake. Thousands and thousands of tons of shells have come out of that lake. They recently stopped doing that, after so many years, because they thought it would be damaging to the environment. But over the last 50, 60, 100 years, thousands and thousands of tons of shells came out of that lake. We all heard about Lake Pontchartrain during that huge storm that hit.

Also, as part of the tour of New Orleans, you had to go to her home, that little home where nine children were raised. It is really a beautiful little home—but nine children, wow. Her mom and dad were there. That was the first time I had been able to meet the famous Moon Landrieu.

When we came there, unannounced, he was making peanut brittle, and I got some peanut brittle. On occasion, that good man has sent me some of his homemade peanut brittle. So I think the world of MARY and her family.

She was very quick to follow in her father's footsteps. At the age of 23, she was elected to the State legislature, making her the youngest woman to have ever been elected to that body.

After 8 years in the legislature, she became the State treasurer for 8 years. In 1996, she was elected to the Senate, becoming the first woman in Louisiana ever elected to a full Senate term.

Since coming to the Senate, MARY has chaired the Senate committee on small business, and she was really good there. She is now the chair of the Senate Energy and Natural Resources Committee, the same full committee her predecessor Bennett Johnson chaired.

On the committee on small business, she reduced heavy Federal regulations and created tax relief for small businesses. As chair of the Senate Committee on Energy and Natural Resources, MARY LANDRIEU fought for Louisiana's industry and jobs. Even before she became chair of that committee, she did something that was impossible. People had been trying to do something like this in Louisiana for 50, 60 years, 70 years, 80 years, but she did it—she was able to get New Orleans and the whole State of Louisiana and the gulf coast some financial benefit from the offshore drilling. She did that. That is a legacy she will always have.

She always had Louisiana's interests at heart, and the people of Louisiana have been all the better because of it. For example, in the aftermath of Katrina, she stood up to the Bush administration and demanded more disaster relief for the people in Louisiana. The New York Times called her ''the national spokeswoman for victims of the hurricane.''

As her time in the Senate comes to an end, all Louisianans will miss having MARY in their corner. I wish MARY LANDRIEU and her husband Frank and their children Connor—who was recently married—and Mary Shannon the very best.

I remember when MARY brought that little baby Mary Shannon to the Senate. She was a tiny little baby. Now this beautiful child has grown to be an expert horsewoman. She is one of those people who rides horses all the time. She has entered her horses in different contests and has done very well.

I have known Connor since he was a little boy. He is married, and they have a little baby named Maddox, and MARY is so proud of her grandchild. Her husband Frank is a wonderful human being. I think so very much of him. I hope we will continue seeing them. Very often MARY will bring her family to my office. She takes them out on the balcony that overlooks the Mall.

MARY has touched my heart for a number of things, but the one thing she has done, which has been unsurpassed, is her caring for children who have no parents—adoptions. She led the Senate in adoptions. Her two children were adopted. Connor and Mary Shannon were adopted. She is so involved in that program, and I know she will continue to be involved.

Here on the Senate floor we will all miss MARY, her voice of reason and moderation. I consider her to be a good friend, and I appreciate all she has done for me, the people of Louisiana, and our country.

JOHN WALSH

Mr. REID. Madam President, there is only one combat veteran of the Iraq war in the Senate, and that is GEN JOHN WALSH—Senator JOHN WALSH.

In 2004 General WALSH led the deployment of several hundred National Guard men from Montana to Iraq. He did the same thing a year later. It was a very difficult time for Americans in Iraq. General WALSH's men were in some of the heaviest battles. Many of them were wounded, and a number of them gave the ultimate sacrifice.

He led the largest deployment of Montana soldiers and airmen since World War II. For his service, JOHN was awarded the Bronze Star, the Legion of Merit Award, and the Combat Infantry Badge. JOHN came to the Senate a hero, and he will leave the Senate a hero.

He treated his time in the Senate like his time in the Army—he volunteered for the most difficult assignments here in the Senate. For example, Saturday night it was late—we thought we may have to be in here all night—and he volunteered to be here all night, not having to be relieved. He agreed to be here all night. He said: That is what I am here for.

He served the people of Montana admirably in the Senate. I thank him for his service over the past year.

I thank his family—his wife Janet, his sons Michael and Taylor, and granddaughter Kennedy—for their sacrifice in supporting his work here in Washington, DC.

I wish him the very best. He was the lieutenant governor of Montana, a job I held in the past, and we talked about that.

I don't know what the next chapter in his life will be, but knowing the courage and integrity of JOHN WALSH, it will be an important chapter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

Mr. WYDEN. I ask unanimous consent to speak as in morning business.

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

Mr. WYDEN. Madam President, my friend Senator THUNE and I are on the floor this afternoon to speak together about the Internet Tax Freedom Act. Before that, I wish to spend a few minutes discussing Senator ROCKEFELLER and his extraordinary accomplishments. I know that Senator THUNE, after he and I have spoken about the Internet Tax Freedom Act, will make some additional remarks. I commend the work of Senator THUNE on charitable contributions. He and I have led the effort to protect charitable donations. Neither of us consider charity efforts as some kind of tax loophole. We consider them a lifeline for the American people.

So I look forward to the remarks of the Senator from South Dakota on several issues.

TRIBUTE TO JAY ROCKEFELLER

With respect to Senator ROCKEFELLER, one of the challenges right now for some of us is to get our arms around the idea that Senator ROCKEFELLER will no longer be serving in the Senate. This is a challenge for me especially because I remember watching Senator ROCKEFELLER's work years before I had entered public life.

Right after I got out of law school, we started the Oregon Gray Panthers. I had a full head of hair and rugged good looks. We were passing around petitions for the wonderful work Senator ROCKEFELLER was doing on behalf of the elderly. He was in the vanguard even then in the health care field. I know the Presiding Officer from the State of Wisconsin has been very interested in this—in ensuring that there are more options for older people, particularly in the long-term care setting.

We were passing petitions around—the Gray Panthers back in those days—urging that Americans and the Senate all rally to Senator ROCKEFELLER's work to ensure that there were more alternatives to nursing home care. It was just the beginning of the effort to create more options for home care for seniors. Now it is an idea we pretty much accept as gospel. But Senator ROCKEFELLER, as has been the case, was way ahead of his time. That is really the time when I began to really be a charter member of what I guess I will call the Rockefeller grassroots delegation that was sweeping the country for health care reform.

As the Presiding Officer and our colleagues know, Senator ROCKEFELLER's accomplishments in a number of fields have been exceptional. They span a host of issues, from cyber security to reducing violence on television to improving our transportation system and, of course, we have all seen his leadership in reining in some of the excesses of the CIA. He is a very strong supporter of the rank and file—the thousands of individuals who work in the intelligence field who are as patriotic as it is possible to be and do wonderful work to protect our people. Senator ROCKEFELLER has said that as they do that work, they are stronger when there is vigorous congressional oversight, and we are very grateful for his work. I have sat next to him on the Intelligence Committee for many years and have watched his leadership there.

Today, though, as chairman of the Senate Finance Committee, I wish to focus in particular on Senator ROCKEFELLER's work on that committee. I will start by noting that his service on the Finance Committee is really a family legacy. His great grandfather, Nelson Aldrich, the Senator from Rhode Island, not only served on the Finance Committee but is often described as one of the committee's most distinguished chairs. On the committee Senator ROCKEFELLER has exercised similar influence.

JAY ROCKEFELLER has served on the Senate Finance Committee for 28 years—longer than all but 11 other Senators—and his tireless work on the committee has had a profound and positive impact. He has been a leader on maintaining a strong U.S. trade policy, while thinking creatively about Asia long before it became cool. He also has been a great advocate for fairness in the tax system—something I know many of us consider a special priority at this time.

Senator ROCKEFELLER has paid special attention to programs such as the Trade Adjustment Assistance Program, including the health coverage tax credit, the earned-income tax credit, and the child tax credit. That was drawn from recommendations of the National Commission on Children which Senator ROCKEFELLER, as is the case so often, ably chaired.

So I wish to speak about the common denominator in these kinds of efforts. It is really pretty direct because it captures JAY ROCKEFELLER's approach to public service and to life: Reach out to those who don't have power and clout, those who don't have a lot of political influence and political action committees, and lend a hand. Make the difference. Particularly for millions of Americans to whom JAY ROCKEFELLER gave voice, now they have an opportunity—millions of men, women, and children—to enjoy better lives and a more secure future because of JAY ROCKEFELLER's strong moral compass.

Now, as I touched on at the beginning of my comments, my first experience in watching JAY ROCKEFELLER—I am of the view that health care is the area where Senator ROCKEFELLER's legacy is going to be especially important. In a sense, JAY ROCKEFELLER always captured the notion that if you and your loved ones don't have their health, it is pretty hard to do anything else. In other words, if you aren't feeling well, if you are facing a chronic illness, how do you jump up and enjoy the wonderful outdoors of Oregon, Wisconsin, and West Virginia? So JAY ROCKEFELLER always said that health care was a special priority for him, and we see it in a whole host of accomplishments.

JAY ROCKEFELLER has been a leader in the fight against Alzheimer's and other neurological conditions. He was a powerful and persistent voice, particularly in advocating for low-income Americans in the Affordable Care Act. I am especially pleased to note that Senator ROCKEFELLER, along with my colleague and partner on the Finance Committee Senator HATCH, really played the key role in creating the Children's Health Insurance Program. This is a program I hope not only will be extended but also strengthened in the next Congress. As many Members of this body know, JAY ROCKEFELLER's work to protect and expand Medicaid is without equal.

Over the past half century, we can count on one hand the Senators who have done an extraordinary amount to improve the health care of America, and when we look at that handful of Senators, JAY ROCKEFELLER is right at the top.

I started with a personal comment about JAY ROCKEFELLER, and I wish to end with one. When Chairman Baucus chose to take the Ambassador position in China, where he is doing a fine job, JAY ROCKEFELLER was next in line to replace Chairman Baucus. Make no mistake about it, JAY ROCKEFELLER would have been an outstanding chairman of the Senate Finance Committee. But his decision to decline that opportunity and to continue his work on the Senate commerce committee allowed me to accept the position as the chairman of the Finance Committee and the responsibility that has gone along with it. That kind of approach was really characteristic of JAY ROCKEFELLER—not wanting to push himself out front. As I have indicated, I told him I think he would have been a superb chairman of the Senate Finance Committee. But I wish to note on the personal side, as I started on the personal side, my thanks to JAY ROCKEFELLER.

So I close simply by saying that now, as the chairman of the Finance Committee and in the years ahead, my goal—when we take up issues such as health care, tax fairness, and a trade policy that lets us tap global markets but works for the middle class worker—and I think it is the goal of other members of the Senate Finance Committee—it is our goal in the days ahead

to live up to the high standard that Senator JAY ROCKEFELLER has set.

With that, I yield the floor on my remarks about Senator ROCKEFELLER.

INTERNET TAX FREEDOM ACT

Now, for a few minutes, Senator THUNE and I are going to talk about the Internet Tax Freedom Act and our involvement in it. The story about the Internet Tax Freedom Act really starts in the 1990s. This was a period when I think policymakers were starting to think about how we lay out a framework for addressing the various challenges to ensure that the Internet would tap its full potential. We wanted to ensure that the Internet would tap its full potential for innovation, for commerce, for learning, for health care. I want to make it clear, we weren't talking about inventing the Internet. What we were talking about was laying out a set of policies to ensure it would be possible for our country and for persons all around the world to tap the full potential of the Net.

I got my start with the former Congressman from California, Chris Cox, when we were looking at the challenge of what would happen if a Web site or a blog was held liable for something that was posted on the Web. The two of us, much like Senator THUNE and I have done over the years on the Internet Tax Freedom Act, tried to really unspool all the implications. It became very clear back in the 1990s that if a Web site or a blog was held liable for something that was posted on the site, nobody would ever go out and invest in what we now know to be the social media because the last thing they would do is put their money into something where they would be hit and hammered with all kinds of litigation and lawsuits. Our former colleague Chris Cox and I wrote the laws that ensured that a Web site would not be held secondarily liable. In fact, at that time, all this was so new that our approach, which relied on voluntary filters and the like to deal with smut, and another approach that was more of an old-fashioned censorship approach—both—went to the Supreme Court, and the Supreme Court upheld our approach and struck down the other.

Today, if you talk to many people in the social media, they cite that law as really being the key that unleashed modern investment in the social media because if you ran a Web site or a blog, you knew you wouldn't be held secondarily liable for something you couldn't control. I think it is fair to say that Congressman Cox and I, we were intoxicated about the fact that we had written this law, upheld by the Supreme Court, and we thought about what ought to go next in terms of trying to lay out a framework, as I indicated, to tap the full potential of the Net. Early on in our discussions, we came across a situation with respect to taxing the Internet that was particularly troubling. What we found was that if someone bought a subscription to a newspaper and they bought the online edition, they got hit with a big tax. But if they bought the offline edition—what we call now the snail-mail edition—they didn't get taxed. Congressman Cox and I said then that this is not going to help promote innovation. That is not going to allow the Internet to grow. It is just plain discrimination. It is discriminating against the Internet. It is singling the Internet out. You have to pay taxes for the online edition of the publication but you don't have to pay a tax if you buy the snail-mail edition. We wrote the Internet Tax Freedom Act to protect the openness and viability of the Net for the platform for commerce speech and the exchange of ideas.

As both Senator THUNE and I have seen over our years of working together on this, this has become important to the millions of American citizens and businesses who depend on the Net. I think it would be fair to say—Senator THUNE and I discussed this—it is likely the Internet would be subject to the same level of punitive taxation that is currently inflicted on wireless services without the legislation we wrote. Without the Internet Tax Freedom Act, access to information in America would no longer be tax-free—access to online communication would no longer be tax-free. Access to the global marketplace so crucial to America's economic future would no longer be tax-free. The cost to consumers could be hundreds of dollar a year per household, which certainly is a burden to many working-class families who right now are walking on an economic tightrope trying to balance the food against the fuel and the fuel against the college costs and all of the challenges we know for working-class families in Wisconsin, Oregon, and across the country.

Senator THUNE and I have been working together on this issue for a number of years. I want to thank him for our partnership over the years. Now we have gotten a bit of seniority. We chaired a subcommittee on the Finance Committee, and we really see these issues as central to economic competitiveness.

This is what we need to grow and prosper with more good-paying, high-skill and high-wage jobs for middle-class people. That is why we have introduced together legislation that would really set our tax policy in this part of the economy into the 21st century. That is the Digital Goods and Services Tax Fairness Act. This legislation ensures the digital goods will continue to be treated fairly, consistently, and predictably across State lines, just as their nondigital competitors. Because the Internet Tax Freedom Act has been temporary, Senator THUNE and I authored new legislation to make the Net tax-free permanently. Our bill is cosponsored by more than half of our Senate colleagues.

Most importantly—and this is why I think we are on the ascent in terms of support for our cause—the House passed a permanent bill in July putting the ball in the Chamber's court here. This body could take up and pass our permanent legislation—the permanent legislation Senator THUNE and I have authored—on a permanent basis if it chose to do so. But because the Congress has become too reliant—we certainly have seen this in a number of areas on stop-and-go government—it was necessary to once again pass a yearlong extension as part of a larger bill. The extension, in my view, is certainly a positive step. But in my view, it is clearly time. In fact, it is long overdue to enact a permanent law, to guarantee the certainty and predictability to all who are seeking to innovate online, to the people in a garage, whether it is in Wisconsin, Oregon or anywhere else, and to have some sense of what the ground rules are going to be.

That is what I sought to be a part of in the 1990s. That is why I am so grateful for Senator THUNE's leadership, because he has been a partner in this cause now for many years on the Finance Committee. Our view is that a permanent law in this area would be hugely valuable to innovation, to the small businesses, and to the people who have a good idea, because it would provide them a new measure of certainty and predictability when they are looking at what is coming out of Washington, DC.

We have temporary measures, and we have measures that last a few weeks. Senator THUNE and I want to get away from that.

I am very hopeful that next year a permanent version of the Internet Tax Freedom Act will be enacted. Senator THUNE and I are going to continue to work together on a bipartisan basis until that is done.

With that, I yield the floor for my partner from South Dakota and thank him for all his leadership.

The PRESIDING OFFICER. The Senator from South Dakota.

TRIBUTE TO JAY ROCKEFELLER

Mr. THUNE. I thank my colleague from Oregon Senator WYDEN for his continued leadership on this issue. I want to echo what he said about Senator ROCKEFELLER.

I had the opportunity to serve as his ranking Republican on the Senate commerce committee and really enjoyed serving with him during his chairmanship and learned a lot. He is someone who has great experience here—36 years in the Senate. I have been here now for 10. So I have a lot to learn from people like Senator ROCKEFELLER.

We did some good things together. We just recently got through the Senate the cyber security bill that the commerce committee passed earlier this year and the satellite television reauthorization this year, which ended up being—it is always somewhat controversial to move that legislation, but we were successful in getting that ultimately enacted this year. We moved

the STB reauthorization bill, Surface Transportation Board, which had rail reforms in it, out of the commerce committee. Unfortunately, they didn't get it considered on the floor of the Senate but had hearings on numerous issues that are under the jurisdiction of the commerce committee. I appreciate so much Chairman ROCKEFELLER's leadership and his service here. Like him, I come from a small State. We share a lot of things in common. We came from small communities and represent people who work hard and just want a fair break and want to make sure that the people they elect to represent them in Washington, DC, are staying focused on the issues that are important to their livelihood. I appreciate his leadership on those issues.

I have to say that he stands tall among our colleagues. I think he probably has the distinction of being the tallest Senator. The Senator from Oregon, Senator WYDEN, and I are not far behind. But if Senator ROCKEFELLER ever stood up all the way, I think he would have us by several inches. The tall-guy caucus here in the Senate will be less represented when Senator ROCKEFELLER departs. I have always enjoyed his sense of humor and the way in which he approaches the job and the passion he feels for public service. We wish him well in his retirement and thank him for a long and distinguished career here in the Senate.

INTERNET TAX FREEDOM ACT

I wish to say to my colleague from Oregon—he mentioned earlier that he was the pioneer on this issue, going back to 1998 when he worked with former Congressman Chris Cox. That was the original Internet Tax Freedom Act. I am hopeful that both our permanent bill, which Senator WYDEN mentioned, the ITFA bill, and our Digital Goods and Services Tax Fairness Act can be considered as early as possible in the next Congress.

The Senator from Oregon, Senator WYDEN, is the chairman of the Senate Finance Committee—a very powerful committee here in the Congress—and will continue his leadership in the next session of Congress as the ranking Democrat on that committee. He will be a very influential voice on all of these issues—tax matters, trade matters, health care matters. The Finance Committee has a very broad jurisdiction. It is really important that we get this part right.

If you look at what most Americans have dealt with when it comes to Internet service, they have not been taxed on Internet access for 16 years due to the Internet Tax Freedom Act moratorium that Senator WYDEN and Senator Cox were able to get instituted back in 1998. That moratorium has been extended three times. It has been critical to the rapid growth of the Internet. All of this would change if we allowed the Internet Tax Freedom Act to expire.

We were able to get through the end of this next fiscal year—which will be September 30 of next year—an extension of the moratorium. But the fact of the matter is, as Senator WYDEN mentioned, we need permanency with regard to this tax policy. We need certainty. We need predictability. We need people in this country to know—American families to know—they are not going to be hit with substantial taxes as a result of the lapse of this particular legislation.

You look at what it could do to the average American family. The average State telecommunications tax rate is roughly 12 percent. Imagine a married couple with two children where everyone in the family has a phone with a $50 data plan. Currently, the Internet Tax Freedom Act prevents taxes on the data plan in States that didn't have these taxes prior to the law's enactment, which is a large majority of the States. If this law expires, this family of four would be likely to see at least a $20 increase in their monthly phone bill, meaning a tax increase of more than $200 a year. For families struggling to make ends meet, as Senator WYDEN pointed out, this is real money.

This tax increase would not just be bad for American families and American consumers, it would also be bad for American economic competitiveness because we know that higher costs for the deployment of high-speed Internet will mean a slower rollout of this technology.

This is especially the case in rural America, where the cost of exploring high-speed Internet is often higher than urban or suburban areas. By keeping the cost of Internet access as low as possible, we help to encourage the continued use of the Internet as a source of economic growth, creativity, and entrepreneurship.

As the incoming chairman of the Senate commerce committee, I am committed to increasing Internet connectivity in this country. Whether it is through the Universal Service Fund, by getting additional spectrum into the hands of the private sector, or by providing regulatory certainty to encourage broadband buildout, our committee is going to be looking at all available options to make sure more Americans have access to high-quality Internet.

Unfortunately, if the Federal Government allows new taxes to be levied on Internet access, we risk canceling out our other efforts to get more Americans online. This does not make any sense. We all need to be rolling in the same direction if our country is going to be connected and engaged in this expanding Internet ecosystem.

Earlier this year the House of Representatives, as Senator WYDEN pointed out, by voice vote passed a bill to make the Internet Tax Freedom Act permanent, which is a very positive step forward. I am hopeful that next year we will move on a much longer term extension of ITFA as well as other measures that promote the digital economy, such as the Digital Goods and Services Tax Fairness Act that I mentioned earlier.

As incoming chairman of the commerce committee and as a member of the tax-writing Finance Committee, I am looking forward to a new agenda next Congress, one that is optimistic and forward-leaning, an agenda that recognizes that the dynamism in our economy today should not be a source of concern but, rather, a source of opportunity for jobs, growth, and economic freedom. This agenda begins with support for the Internet Tax Freedom Act. That is why I am pleased the bill we passed Saturday evening extends the Internet Tax Freedom Act through September 2015 so that we can have a debate next year about how we promote the Internet economy with all of its benefits on a much more permanent basis.

I look forward to working with my colleague from Oregon, Senator WYDEN, and Senators on both sides who I think care deeply about this critical issue moving forward early in the next Congress. As the Senator from Oregon mentioned, I think half of the Members of the Senate are cosponsors of this bill. That suggests to me that obviously there is broad, bipartisan support for what we are talking about here.

I also look forward to working with Senator WYDEN on other issues that are important to the digital economy. Digital trade is something he and I have partnered on in the past as well. As we look at the trade agreements that are currently being negotiated—the TPP as well as the TTIP trade agreements with Europe—all need to include important protections for the digital economy.

This is one of the areas in our economy where we actually have a trade surplus. Because of American ingenuity, know-how, creativity, and innovation, we continue to lead the world in this area. We need to make sure that we not only are putting in place the important safeguards here in this country against taxing these services but also ensuring that we have access to other markets around the world where we know American know-how and American ingenuity and creativity can lead the way.

I very much look forward in the next Congress to continuing to work with my colleague from Oregon on these important matters so that we can continue to see middle-income families in this country benefit from the gains in productivity that come, hopefully a higher standard of living, higher take-home pay, better wages, and better job opportunities that come with a robust, vibrant digital economy that enables our broader economy to continue to make great gains.

I thank the Senator from Oregon, Mr. WYDEN, for his leadership on this issue both past and present. I look forward to working with him as we try in the future to make sure that those gains are protected and that we move even further in the direction of economic freedom when it comes to the Internet.

SUPPORTING AMERICA'S CHARITIES ACT

I would like to shift gears and speak, if I might for just a moment, about another issue which I think is very important to our overall economy and very important to a lot of people across this country, both those who give to—empower charitable giving in this country and those who benefit from it.

Last week the House of Representatives voted on a piece of legislation that would empower Americans to give more to charity. The legislation would accomplish this by making permanent three tax incentives for charitable giving that have been in law on a temporary basis. All three of these tax provisions have historically enjoyed strong bipartisan support.

First, the bill would make permanent the law allowing individuals 70½ years of age and older to donate up to $100,000 of their individual retirement account to charity without incurring a tax penalty for doing so.

Second, the bill would make permanent the enhanced deduction for food inventories, thus encouraging businesses to donate food that might otherwise go to waste to food pantries and other organizations that help to feed the hungry.

Finally, the bill would make permanent certain tax rules that make it easier for farmers and other land owners to donate land for conservation purposes, thus helping to preserve America's natural habitat. This last provision, I might add, is included in President Obama's 2015 budget.

These are commonsense measures that will help to promote what I believe is a core element of the American experience; that is, private citizens helping friends and neighbors in their time of need. What could be more appropriate during this season of giving than the government making it a little bit easier for Americans to lend a helping hand?

Unfortunately, this Christmas season the Obama administration has a different message for America's charities and the millions of individuals they serve. That message is ''bah humbug.'' That is right. Instead of working with us to help America's charities, the Obama administration promised to veto this bill should it pass the House and the Senate. Apparently the President is so opposed to any new tax relief, he has decided to oppose a bill with significant bipartisanship support.

Let's be clear that this measure is not some budget-busting bill. In fact, this bill would provide about $1 billion per year in tax relief to Americans who donate to charity, which would have almost no impact on a Federal budget of nearly $4 trillion.

One measure of the bipartisan nature of this legislation is the fact that the Democratic chairman of the tax-writing Finance Committee, Senator WYDEN, who was here briefly a moment ago, supports this measure. In fact, Chairman WYDEN recently indicated that he hoped we could get this measure to the President's desk quickly. He stated:

> My view is we'll pass it as a clean bill and send it on to the President. I really don't see a lot of controversy.

That was from the chairman of the Senate Finance Committee.

Unfortunately for Senator WYDEN and me, along with many of our colleagues in both parties who see an opportunity to get something meaningful enacted before the end of this year, this White House sees yet another opportunity for gridlock. So I would say I strongly believe promoting charitable giving should be a high priority.

Earlier this year Senator WYDEN and I circulated a letter signed by 33 of our Senate colleagues to then-Finance Committee Chairman Baucus and Ranking Member HATCH urging them not to weaken the charitable tax deduction in any tax reform effort.

As a member of the Finance Committee, I have not signed many letters on tax reform, as I generally believe that everything needs to be on the table. However, I made an exception when it came to charitable giving because I believe so strongly that promoting charity is an integral part of who we are as a nation.

Much like the deduction for charitable contributions, the provisions of the Supporting America's Charities Act represent important means by which to encourage Americans to give more to charitable organizations. Unfortunately, due to opposition from the President, this legislation fell a few votes short of passage last week in the House when it was considered under suspension of the rules, which is a process that requires a two-thirds majority vote.

That being said, I intend to introduce similar legislation early next year, and I strongly urge the President of the United States to reconsider what I believe is his misguided opposition to these very worthy provisions. I hope the administration will join us in a spirit of good will toward all men and women, especially those of our fellow citizens most in need of assistance.

ABLE ACT

I wish to finally speak today regarding a bill that I am very pleased has moved through this Congress—I should say will be moving shortly—and that is the Achieving a Better Life Experience, or ABLE, Act. This bill will assist individuals with disabilities by creating a mechanism to achieve long-term personal savings—something individuals with disabilities are effectively prohibited from doing today under currently law.

The ABLE Act would create tax-favored savings accounts for people with disabilities that would count toward the $2,000 individual asset limits that apply to the Supplemental Security Income and Medicaid Programs. The ABLE Act will allow individuals with disabilities and their families to save money to pay for qualified disability expenses, such as education, a primary residence, transportation, and other personal support expenses.

This legislation helps achieve a world where disabilities are no longer viewed as a limiting factor as individuals plan for jobs, for school, and for family life. It helps achieve a world where Federal policies no longer impede individuals with disabilities from achieving their dreams. It helps give parents peace of mind as they think about what the future holds for their children.

I have met with many families on this issue, and one story in particular stands out, the story of Tim and Jamie Geels from Dakota Dunes. They have three sons, and their middle son, Tyler, is a concrete example of a young South Dakotan who will see tangible changes to his future as a result of the ABLE Act.

The ABLE Act is one of the most far-reaching pieces of legislation to help individuals with disabilities in nearly 25 years. I am proud to be a cosponsor. Long hours and intense effort shaped this legislation into a package that helps Americans with disabilities and is fiscally responsible as well. I am proud to support the ABLE Act, as modified. I look forward to Senate passage of this very worthy legislation later this week as part of the tax extenders legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

WORK OF THE COMMERCE COMMITTEE

Mr. NELSON. Madam President, before the Senator from South Dakota leaves the floor, let this Senator say that I am looking forward to working with him since he will be our chairman of the Commerce Committee next year. I will have the privilege of being the ranking member. We have a fairly full plate of things that must be done: FAA reauthorization, telecommunications rewrite. Fortunately, it looks as though we have just done a Coast Guard bill, but there can always be tweaks to that. There are a host of things. We are way beyond on NASA reauthorization. Fortunately, we have been able to build on the NASA reauthorization that was done in 2010, but that needs to be updated. There are all kinds of consumer legislation as we get into things such as this thorny issue of Internet access. It is going to take some real bipartisan cooperation.

In my discussions with the future chairman, Senator THUNE, I am looking forward to working with him on this very important committee.

Mr. THUNE. Madam President, I know the Senator from Florida has things he wants to talk about, but I do want to take this opportunity to mention that I very much look forward to working with him. I think we have the potential for a real foundation, hopefully, for accomplishment on our committee.

The Senator from Florida is someone who has an interest in working in a bipartisan way to get things done for our country. I know of his great interest, being from Florida, in the space program and NASA, in oceans. Oceans are not an issue we have to deal with a lot in South Dakota; it is an issue our committee deals with. It is an issue that is very important to a lot of our colleagues on the committee as well as the Senator from Florida. So I welcome the opportunity to work with him.

As he mentioned, these are tough, thorny issues—telecommunications issues, transportation issues, the highway bill, FAA authorization, perhaps something on rail. There is a whole range of issues falling under the jurisdiction of the commerce committee that are going to require an extraordinary level not only of support from the members of our committee but a willingness on the part of those of us—the Senator from Florida and I—to hopefully craft an agenda to get things done for this country.

I appreciate his kind words and would reciprocate by saying how much I look forward to working with him and hopefully to have a real record of accomplishment as we head into this next year.

I thank the Senator from Florida for his kind words and wish to let him know we will be doubling down next year, working as hard as we can to put some points on the scoreboard that are good not only for the State of Florida and for the State of South Dakota but for America and for our economy, because we have so many things under the jurisdiction of the commerce committee that contribute to a stronger and more robust economy in this country.

TAX EXTENDERS

Mr. NELSON. Madam President, I wish to speak about a tax bill that is coming up that is fairly necessary for the country. The Senator from South Dakota and I have the privilege also of serving on the Finance Committee, and there is an example where we just haven't been able to get a lot done. Now, here we are at the eleventh hour and fifty-ninth minute with a whole bunch of provisions about to expire that are extremely important to American taxpayers, such as the research and development tax credit.

American businesses and American taxpayers would like to have some certainty of knowing, as they are doing their planning for the year, that they can plan on this or that deduction or tax credit. In Congress, for the entire past year, we have not had etched into law, because it has expired, a number of these tax deductions and credits that I am going to go through. But the R&D tax credit is only one example.

So how in the world can American business and the American taxpayers plan? Take, for example, the Senator has a State where agriculture is predominant. So does this Senator.

There are a number of ranchers in the State of Florida who want to donate a conservation easement on their property to keep that property, in this case of ranching families, that they have been ranching for centuries. They want that way of life to continue.

There is an interest in environmental restoration; for example, the Everglades restoration, that the headwaters that ultimately flow to the Everglades be preserved from being developed. So there is an interest in the environment to obtain the development rights or a conservation easement.

It is clearly in the interests of the taxpayer, likewise, to have observed that conservation easement because that is the easiest way of cleaning up the water that ultimately flows into the Everglades. So the conservation easement is a win-win-win. It is a win for the rancher, it is a win for the taxpayer, and it is a win for the environment.

But the poor ranchers, because we have not passed the tax extenders bill, here they are at the end of the year and they would like to make the donation of the conservation easement. How are they going to get it done in the next couple of weeks if we don't pass it until almost the midnight hour?

It is just another example, and I look forward to working with the Senator from South Dakota. I hope we can pass it this week so at least some of it can be salvaged before the end of this tax year.

I have given two examples and I will give another: the wind energy production tax credit. It provides a credit for electricity produced by the wind.

There is a lot of wind out in the middle of this country. It is a good way to produce electricity. It is called renewable electricity. It has brought our electricity sector into the 21st century. It has reduced our dependence on carbon-based electricity.

It makes sense. If someone visits a country such as Denmark, look how many windmills there are. I still call them windmills, but they are wind turbines. They are highly sophisticated, finely tuned machines, blades that will take the least bit of wind and turn that big blade that is hundreds of feet long. As it turns, it is generating electricity.

Yet for the entire past year people who want to establish these wind farms don't have any certainty that they will be able to get this wind energy production tax credit.

The purpose for the tax credit is to give the businesses an incentive to establish wind farms which, No. 1, becomes a win for the environment; No. 2, becomes a win for the business that is in the business of wind energy production; and, No. 3, becomes a win for the consumers because it is weaning us from producing electricity only from a carbon-based fuel that ultimately sends CO_2 into the atmosphere. We know what is happening with a lot of CO_2 up there, it creates the greenhouse effect.

As the Sun's rays come in and bounce off the surface of the Earth and reflect or radiate back out into space, suddenly the glass ceiling—the greenhouse effect of carbon dioxide and other greenhouse gases—traps that heat. What happens? The increasing temperature of the planet, 90 percent of that heat is absorbed into the oceans and, as a result, we are seeing the sea level rise.

For a State such as mine, the State of Florida, NASA has measured over the past 50 years—not drafts, not projections, measurements—5 to 8 inches in South Florida of sea level rise in Florida.

By the way, check the papers. Yesterday the pumps didn't work. Alton Road in Miami Beach was flooded. The mayor of Miami Beach, when he was campaigning 1 year ago, went in a kayak down Alton Road as a demonstration of how the sea level rise at high tide is flooding streets of Miami Beach. It brings me back to this extenders tax bill we need to pass this week: the wind energy production tax credit.

Another example is the work opportunity tax credit, which encourages people who work to hire disadvantaged people. It provides a tax credit for businesses that hire people who have a difficult time getting a job. It encourages the private sector to help these folks get out of a difficult spot in their lives, because they have disadvantages, to become independent, to stand on their own two feet because they can go to work. That is the purpose of a tax credit for work opportunity, but that hasn't been in effect all this year, 2014.

We pass this tax extenders bill and it will retroactively take it back to the 1st of the year and make this tax credit—and these others I have mentioned—available as people are calculating their Federal income tax for the calendar year 2014.

Another is rollover IRAs to charities. It is when you get to a certain age—and I believe the age is 70—and you have an IRA. By law, setting up the IRAs which are nontaxable—recall all the years you put money in those IRAs, you put that money into the IRA before you paid tax on it.

When you bring money out of the IRAs that you have had all of your life, you are going to pay the tax, and that more than likely is going to be during your retirement years. That is what an IRA is for. It is called an Individual Retirement Account.

By law, under the IRA law, when someone gets to be 70, they have to start taking out a certain amount of that IRA.

We have had a provision in the Tax Code that is an incentive to give that money that people have to take out to charity. Therefore, it provides an easier way for people who have to take the money out of their retirement accounts to give that money to charity because, when they take it out, it doesn't become taxable before they give it to the charity.

In other words, it is a transfer of the tax-free dollars in the IRA directly

over to charity. It is a win for the taxpayer, and it is a win for the charitable organizations because there is an incentive there to give that money to charitable organizations.

If we don't pass this tax extenders bill, that is not available for all of this year of 2014. Think what that is going to do to some charities and what it is going to be doing to taxpayers who have been planning on that deduction and suddenly find it is not available.

Another example is there are a few States—maybe half a dozen—that do not have a State income tax, but often the State government is in fact funded by the State sales tax. My State of Florida is one of those States. The State of Washington is another, and the State of Texas is another. There are about three others.

Therefore, if someone is in a State that has a State income tax, and they are calculating their Federal income tax, they can deduct the State income tax in the deduction of the Federal income tax.

What about the poor people in the States that don't have the income tax? They should be able to deduct the similar tax that we pay in our States, the State sales tax, and that provision has been there in the Tax Code, but it is not in there for 2014 because it lapsed, and we need to reenact it.

This is not a way to run a railroad and tax policy, but unfortunately, because it seems to have the word ''tax'' to it, it seems to be radioactive and, as a result, we have to wait until the eleventh hour and the fifty-ninth minute to pass it.

I certainly hope we will pass it this week.

Let me give you another example—the deduction for mortgage insurance premiums. When you want to buy a home, the bank negotiates and sets up a mortgage so you can buy the home. Most banks will require you to take out an insurance policy should you fail to pay on that mortgage. We have always had the deductibility of that insurance premium in calculating Federal income taxes, and it particularly helps low- and middle-income people deduct the amount they pay for private mortgage insurance. So, therefore, what does that do? That helps those low- and middle-income folks buy a home.

Isn't home ownership something that is desirable in America? I think so. Well, we better pass this tax extenders bill.

I will give another example—excluding forgiven mortgage debt from income. It allows people to exclude forgiven mortgage debt from their income. Why am I raising this? Well, haven't we just gone through the worst recession since the Great Depression? Didn't some people get so upside down in their mortgage—with their mortgage being at this level, but the value of their home dropping to this level—so that they owed a much greater amount on their mortgage than the value of their home? What they tried to do was work with the purchaser and the bank that holds the mortgage. That is called a short sale. The bank forgives part of that debt—the difference between the mortgage amount and the value of the home.

The poor taxpayer, the homeowner, instead of treating what they have been forgiven as income—they have just had to take a shellacking because of the value of their home dropping below the value of the mortgage. Lo and behold, when they get a break and sell in a short sale, they end up having to pay income tax on that amount of debt that was forgiven.

I don't think we want to do that. That is why we have this provision to exclude that debt forgiveness from the income tax. But for all of the last 12 months it is not going to be forgiven if we can't pass this tax extenders bill. I think we better get serious about it. We are talking about looking at this as the last piece of legislation this week to pass before we leave. We better get serious about it.

And lastly, let me say that every one of us wants to treat teachers the right way. Teachers haven't been treated the right way. As a matter of fact, a lot of teachers are pulling money out of their own pockets because their school districts are not providing enough money for school supplies for those little children. Those unselfish teachers are going into their own pockets to bring out money to provide the supplies so the kids can learn. Now if a courageous and unselfish teacher does that, should we not at least give them a deduction of that amount they paid for those school supplies for their children? Shouldn't we let them deduct that in calculating their income tax?

We have in the past. But we haven't for calendar year 2014—this present year. And that is another one of the deductions that I hope the Congress will pass this week in order to take care of our people.

But as we go through this in the future, why do we have to keep waiting until the last minute so people can't plan, so people get nervous, so people don't know what to do, so people don't know how to invest, so people don't know how to preserve their land, their business, and the future for their families? This is no way to run a railroad.

Let us at least salvage some kind of victory from the jaws of defeat. I hope we will pass this bill in short order.

I yield the floor.

The PRESIDING OFFICER (Mr. WALSH). The Senator from Vermont.

SOCIAL SECURITY

Mr. SANDERS. Mr. President, it is no secret to anyone in America that the middle class of our country today is struggling; that while millions of American workers are now working longer hours for lower wages than they did in some cases 30 or 40 years ago—we are looking at a 40-year decline of the middle class—that almost all of the new income being generated today is going to the top 1 percent. Tragically, the United States has the most unequal distribution of income and wealth of any major country on Earth.

But the issue is not just for the middle class right now or for working families. The issue of the economic crisis we are in significantly impacts senior citizens and children, the most vulnerable people in this country. My hope always has been that as a great nation we will not turn our backs on the children of America. But year after year that is exactly what we do. We continue to have millions of children living in poverty. In fact, we have the highest rate of childhood poverty of any major country on Earth. Almost 20 percent of our kids live in poverty. We have about one out of four children in America who gets their nutrition from the food stamp program.

I worry very much about the future of this country if we cannot stand with the children of America; if we cannot make sure that working parents all over this country have high quality, affordable childcare. That is certainly not the case right now, despite the fact that virtually all psychologists recognize that the most important years of a human being's life are zero to four. But our childcare system is a disaster.

It is not only the children we have turned our backs on. Increasingly we are turning our backs on senior citizens as well. It has distressed me for a number of years to be hearing many of my Republican friends and some Democrats talking about the need to cut Social Security—to cut Social Security. There are various schemes out there—some of them have to do with the so-called chained CPI—which would reformulate how we determine cost-of-living adjustments for seniors. This means, in fact, over a period of years significant reductions in what seniors and disabled veterans would get.

We have worked, I have worked, in opposition to that concept for years. I think we have beaten it back, but I have no doubt that it will surface again. There are folks who want to cut Social Security, and, in my view, we have to do everything we can not only to defeat that proposal but we have to begin talking about how we expand Social Security benefits. Because today the kind of benefits that millions of seniors get are simply not adequate for them in terms of giving them the income they need to purchase the medicine they require, the food they need, the fuel to heat their homes in the wintertime, and other basic necessities.

In terms of Social Security, let me be very clear. Despite what folks on TV may be saying, and some politicians may be saying, Social Security is not going broke. Let me repeat: Social Security is not going broke. Today Social Security has a surplus in the trust fund of $2.76 trillion—a surplus of $2.76 trillion—and can pay out benefits to every eligible American for the next 19 years, to the year 2033. So anyone who comes forward and says Social Security is

going broke, that is just factually not true. Social Security can pay out every benefit owed to every eligible American for the next 19 years.

We also hear the argument: Well, we have a large deficit, and Social Security is one of the causes of our deficit and our national debt. That is absolutely inaccurate. Social Security has not contributed one nickel to our deficit or our national debt, because Social Security, as every worker in America knows, is independently funded through payroll tax contributions from workers and employers—6.2 percent from each—and it does not receive funding from the Federal Treasury.

So, a, Social Security is not going broke; and, b, it is not contributing to the deficit. But I will say this about Social Security. In an incredibly volatile economy, the stock market goes up, the stock market goes down. Social Security, from its inception 79 years ago, through good economic times and bad economic times, has paid out every nickel owed to every eligible beneficiary with minimal administrative cost.

Social Security is not an investment program. You can invest money on Wall Street, and sometimes you do well. You can invest money on Wall Street, and sometimes you lose your shirt. Social Security is a social insurance program. It has never failed 1 American in 79 years. That is a pretty good record.

But even with Social Security being strong and solvent for the next 19 years, we have to recognize we do have a retirement crisis in America today. I fear very much that the appropriations bill just passed the other day, which will allow pensions for millions of workers to be cut, is only going to exacerbate that problem. Today in America only one in five workers has a traditional defined benefit that guarantees income in retirement.

Amazingly enough, when we talk about anxiety among the American people, stress among the American people, and why people are angry, why they are fearful, over half of all Americans have less than $10,000 in savings. Stop and think about that. If you have less than $10,000 in savings, an automobile accident or needing a new car can wipe you out; an illness can wipe you out; a divorce can wipe you out. So we have millions and millions of Americans sitting there wondering how they are going to retire with dignity when they have $5,000, $8,000 or less in savings.

Here is the importance of Social Security: Two-thirds of senior citizens today depend upon Social Security for more than half of their income; one-third of all seniors depend upon Social Security for at least 90 percent of their income.

So when we talk about cutting Social Security, understand that a third of seniors depend upon Social Security for at least 90 percent of their income. This is not extra money; this is not fun money; this is life-and-death money. This is money that people need to buy medicine, food, and to keep their homes warm in the wintertime.

I wish I could say otherwise, but the truth is that the percentage of seniors living in poverty in America is going up. In 2011, the official senior poverty rate was 8.7 percent. Last year the official senior poverty rate was 9.5 percent. That is a pretty significant increase in senior poverty.

But if we look at the Census Bureau's more comprehensive measure of poverty, which takes a careful look at the out-of-pocket medical costs for seniors, the poverty rate for seniors is even worse. According to this supplemental poverty measure from the Census Bureau, the real senior poverty rate in America is actually 14.6 percent. What that means is that one out of seven seniors living in America last year could not afford to meet their most basic needs.

The average Social Security benefit today is just $14,000 a year. As someone who will be the next ranking member of the Budget Committee, I intend to do everything I can not only to oppose vigorously any efforts to cut Social Security, I am going to do everything I can to expand Social Security benefits.

In fact, the best way to expand Social Security is to ask the wealthiest people in our country to pay more into the system by scrapping the cap on income that is subject to the Social Security payroll tax. As the Presiding Officer knows, right now a billionaire pays the same amount into Social Security as someone who makes $117,000 a year. So if there is a multimillionaire here—somebody who is making $50 million—and somebody who is making $117,000, they both contribute the same amount into the Social Security trust fund. This is regressive. This is unfair. This is absurd. If we lifted this cap and applied the Social Security payroll tax to income above $250,000—not $117,000, but $250,000 a year, we could not only extend the solvency of Social Security for decades to come—which is what we want to do—but we could also provide the resources necessary to expand Social Security benefits. That is exactly what we should be doing, and that in fact is what the American people want us to do.

In August 2014, a poll by Lake Research Partners asked likely voters if they support the idea of:

> . . . increasing Social Security benefits and paying for that increase by having wealthy Americans pay the same rate into Social Security as everybody else.

Interestingly, the poll found that 90 percent of Democratic voters said they support the idea, and 75 percent strongly support that idea of lifting the cap; 73 percent of Independent voters support that idea, 55 percent strongly support it; 73 percent of Republican voters support that idea, 47 percent strongly support it.

So there is for that idea enormously strong support across the political spectrum, Democrats, Independents, Republicans.

Sadly, despite this overwhelming support for expanding Social Security, the CEOs at the Business Roundtable—the organization representing the largest corporations in America—came out with a plan last year which does exactly what the American people do not want to do. The American people want to expand Social Security and the Business Roundtable came out with a plan that would increase the Social Security retirement age from 67 to 70 and severely cut the COLA of senior citizens and disabled veterans.

The Congress and the Senate here have got to make a very fundamental decision, and that is: Do we listen to the American people who are hurting today—the seniors who have worked their whole lives but who cannot get by in what in many cases are meager and inadequate Social Security benefits—do we listen to them? Do we stand up for and with the people who helped build this country—who worked the farms, who worked in our factories, who served us in our Armed Forces? Do we stand with them and expand Social Security, or do we listen to those on Wall Street and corporate America who want to cut Social Security benefits and in some cases want to privatize Social Security?

This is a huge issue for tens of millions of Americans. I intend to do everything I can not only to resist cuts to Social Security but to do everything we can to expand Social Security benefits for those seniors and disabled vets who desperately need that expansion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

BOUGH NOMINATION

Mr. GRASSLEY. Mr. President, Members of the Senate, in a few hours, maybe within this day or tomorrow, the Senate will be voting on several nominees to be district judges. I come to the floor to speak about one of these, Stephen Bough, of Missouri, for a seat on the District Court of the Western District of Missouri.

As I do with every nominee, I thoroughly examined Mr. Bough's record with an eye at giving him and others the benefit of the doubt if problematic issues arose. After full consideration of that record, I am regrettably unable to support this nominee. There are just too many data points—red flags, if you will—which tell me that Mr. Bough doesn't have what it takes to serve in a lifetime appointment on the Missouri District Court.

These red flags all relate to one troubling question the nominee's record raises: whether Mr. Bough has the temperament to be a Federal judge. I have come to the conclusion that he doesn't have that type of temperament. So I would explain my conclusion.

First, there is the issue of this nominee's professional conduct. A specific incident from last year demonstrates how Mr. Bough has engaged in what I

believe to be unethical behavior that precludes him from service on a Federal bench.

Last October, a member of the Mississippi bar drew my attention to the nominee's participation in a civil case in Federal District Court. The presiding judge on that case was the nominee's former employer, Senior District Judge Scott O. Wright.

About a week before the nominee signed on to the case, the plaintiff's attorney asked the court to transfer the case to another judge. Judge Wright denied that motion the next day. Then, just 1 week later, the nominee entered his appearance in the case. Mere hours after that, Judge Wright recused himself without any motion from the parties.

Now why did Judge Wright do that? Well, when Mr. Bough joined the case, he created a conflict of interest with Judge Wright. You see, Mr. Bough was Judge Wright's law clerk and remains his close personal friend today. In fact, Judge Wright had added the nominee to his personal conflicts list in January 2006, and Mr. Bough was well aware that he was on the conflicts list. So Mr. Bough knew that by joining the case Judge Wright was guaranteed to recuse himself—and that is exactly what the plaintiffs tried unsuccessfully to do just 1 week before Mr. Bough signed on and forced that recusal by creating the conflict with the judge.

Now we can reasonably ask, why is this significant? Well, what the nominee did here is known as judge shopping. It is an unethical litigation practice that has been strongly criticized by courts throughout the country. Essentially, it is when a lawyer knowingly creates a conflict with a judge in order to get the judge kicked off a case and replaced with a new and perhaps more favorable judge. That is the shopping part.

The Michigan Supreme Court has explained that judge shopping ''exposes the legal profession and the courts to contempt and ridicule.'' The Fifth Circuit calls judge shopping ''sheer manipulation of the justice system.'' Another Federal court has noted that the practice is ''universally condemned.''

This isn't the kind of professional conduct we can accept in a nominee to the Federal bench.

I gave Mr. Bough several opportunities to explain his conduct in questions for the record that I submitted to him. What I learned from his responses was this: The nominee knew that by joining the case he created conflict requiring Judge Wright's recusal.

I also asked the nominee to provide our Judiciary Committee with the work he says he did while he was an attorney on that case. You see, I wanted to know whether the nominee joined the case in good faith to work and to do it for the client, or joined just to create a conflict with the judge.

Mr. Bough responded that he provided advice and edits on only three documents. I requested those documents twice, and I told the nominee to redact any content protected by attorney-client privilege. The nominee has refused to provide those documents to me. The nominee has not provided to me memorandums, billing records, or any other materials to support his claim that he actually was working on that case; nor did the nominee attend any depositions or other pretrial hearings in that case. He made no filings with the court.

In short, Mr. Bough has provided me with almost nothing to support his claim that he actually did substantial work on the case during the 7 months he represented the client.

It is for this reason and for the circumstances I have already described that I am led to believe that the nominee's entry of appearance was not in good faith. It looks to me like a textbook case of judge shopping.

But the judge shopping is only one of many red flags. Let me discuss another that gives me serious pause.

The nominee has been active in Democratic Party politics in the Kansas City area for a number of years. Now I want to make it very clear that I don't hold that against him. I have said frequently over the years that I never disqualify a judicial nominee just because he or she has been politically active. Instead, the issue for me is whether a nominee has shown that they can shift gears and put aside their previous political advocacy once they put on the judge's robe. This nominee's record makes it abundantly clear that he wouldn't be able to make the switch from political advocate to impartial arbiter of law.

I will give you an example. In recent years the nominee has written a number of blogs and those posts have been about national politics. I have read his posts. I would say some are of a stridently political nature. Those don't bother me. Others though are simply too crude and sexist for me to quote. I challenge any Democrat who is voting for this nominee to read those blogs aloud to the public. I am confident none of my colleagues will do that. So I will just say that the sheer coarseness of those posts led me and other members of our Judiciary Committee to question whether Mr. Bough has a temperament suited to the lifetime judicial service.

Unfortunately it is not just the blog posts that make me ask that question. The nominee has shown in other contexts that he is first and foremost a political operative rather than a zealous advocate for a client or officer of the court. For example, Mr. Bough has lodged two obviously frivolous and abusive complaints with the Federal Elections Commission against a congressional candidate whom he opposed ideologically. In 2008 the Commission dismissed the first of these complaints in a brief opinion. But in 2012, Mr. Bough redoubled his efforts and filed a second 93-page complaint against the same candidate. This time the Commission responded with a lengthy and meticulous opinion that is striking in its strong language dismissing each of Mr. Bough's allegations.

The Commission criticized Mr. Bough's allegations as ''vague and speculative'' and said any violation which may have occurred was so minor as to not merit consideration. The opinion concluded that Mr. Bough's complaint had no basis for its allegations and was without merit. So the bottom line is that the nominee was using a government agency as a tool to harass a political opponent.

As I said earlier, that is behavior indicative of a political operative, someone who is not going to be able to put it all aside and consider cases objectively once he becomes a judge.

From time to time some of my colleagues on the Judiciary Committee have commented that the best evidence for the type of judge a nominee will be is the type of lawyer they have been. So I think there is a lot of wisdom in that view. With this nominee we know what kind of lawyer he has been, defending an unsavory client or representing an unpopular cause is one thing; we expect lawyers to do that—our system in fact demands that they do that—but acting as a political operative is an entirely different matter, and that is the kind of lawyer this nominee's record shows him to have been: a lawyer steeped in bare-knuckled political combat.

I said at the beginning of this statement that I am inclined to give nominees the benefit of the doubt when I come across something in their record that raises my eyebrows. I probably would have done that with this nominee, too, if there had been just an isolated issue or a noncharacteristic lapse in judgment. But that is not what we have here with Mr. Bough. Not only do we have unethical judge shopping, to that we have to add a number of crass, sexist, and insulting blog posts, and to that we also add a pair of frivolous complaints that abused the jurisdiction of a government agency in order to harass a political opponent.

There are too many red flags for me to support this nominee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOEVEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX INCREASE PREVENTION ACT

Mr. HOEVEN. Mr. President, I am here today to discuss the Tax Increase Prevention Act. We are now getting down to the end of the year. It is important that we get our work done. An important part of that work is passing the Tax Increase Prevention Act. It is often referred to as the tax extenders package. What it really does is it extends tax credits and deductions used

by small businesses across this country. The Tax Increase Prevention Act will extend for 1 year 55 different tax credits and deductions that expired either at the end of 2013 or during 2014.

This is a bill that has already passed the House, and it passed with a huge margin, with a bipartisan vote of 378 to 46.

One of the most important provisions in the act is the section 179 depreciation and expensing provision for small businesses. That is the provision I particularly want to focus on today and talk about and discuss why it is so important for our small businesses and for our entire country.

Section 179 allows farmers and other small businesses to expense and depreciate property they have purchased or repaired for their operations. That is important to them so that they don't see a tax increase, but it also keeps our economy going. Without it, small business will buy and repair less equipment, slowing down our manufacturing base and slowing down our economy. Quite simply, that means fewer jobs. It is not only because small business's costs are increased, but it is also because of the uncertainty that is created when they don't know the rules of the road. That is why this fix needs to be done on a permanent basis.

I think it could have been done on a permanent basis this year. We were working on a deal until the President threatened to veto that legislation. So now we have a 1-year fix, but we have broad support in this Chamber for the 1-year fix. We need to pass it now and then go back to work on a permanent fix next year.

I was home for the weekend about a week ago, and I was talking to some of the farmers in our State. They told me what they have been telling me for some time now; that is, they need the section 179 expensing and depreciation, they need to know the rules of the road, and they need to know it now.

We are at year-end. They are doing their year-end planning. They are doing their tax work. Some are still negotiating on buying equipment for next year. The depreciation and expensing rules affect the decisions they make. They will also affect the number of jobs in our economy. Agriculture alone is responsible for 16 million direct and indirect jobs in our economy. Ag is also a sector of our economy that produces a positive balance of trade. American agriculture provides the highest quality and lowest cost food supply in the world. It is something that benefits every single American every day.

Section 179 expensing and depreciation is important for other small businesses as well. And it is not just small businesses, it helps keep our large industries going too. For example, Case New Holland and John Deere have manufacturing plants in my home State. They produce tractors, balers, and other equipment. In addition, they also make industrial equipment. When farmers and other small businesses slow down their purchase of equipment, these manufacturing facilities slow down as well. It means less business, fewer workers needed, and fewer jobs. That is how it works. It is that simple. The truth is that small business is the backbone of our economy in this country.

The hallmark of America is that it has historically been the best place in the world to do business. It is where everybody has always come to do business. We have always had the best legal, tax, and regulatory business climate. We provided the certainty businesses need to invest, to hire people, to create jobs, and to grow the economy. That is the rising tide that lifts all boats—a higher standard of living for our people and revenue from economic growth, not higher taxes, to reduce our debt and deficit to get them under control as well.

Let's create that certainty for our farmers and small businesses across this great Nation. Let's make sure their taxes don't go up. Let's start by passing the Tax Increase Prevention Act and section 179 expensing and depreciation now.

I would like to close by reading from some of the letters I have received from some of my constituents. I think so often that the hard-working taxpayers of North Dakota, the small business people there who are getting it done every day, say it best.

The first one is from Dick Hedahl, owner of Bismarck-based Hedahls Auto Plus. He said: Without section 179 and the bonus depreciation, Hedahls Auto Plus would really have felt the pinch last year when we purchased equipment to service diesel powered trucks and heavy equipment.

Since the growth in the Bakken, his services have been especially important because he can save clients thousands of dollars by refurbishing worn diesel engine blocks. What makes the refurbishing possible is the 100 percent American-made equipment Hedahl bought in 2012 and 2013 for $450,000. At a 34-percent tax rate, he says he would not have been able to make those equipment purchases work, but with section 179 expensing and depreciation, he was able to make those things work. As a result, he is providing jobs in the western part of our State. Hedahls Auto Plus employs more than 200 people.

Another constituent wrote in. Leann Slaubaugh of Rolette writes:

> I am concerned about Section 179 and what this is doing to the agricultural sector in North Dakota. Farm equipment is not being sold, as the farmers are concerned about the amount they will have to pay taxes on. I farm with my husband and work at a small town farm supply. Farmers have quit spending due to low commodity prices and Section 179. I am concerned with the effect on our small town economy if Section 179 is not revised. After meeting with our tax consultant, we are concerned with the possible tax liability we are facing and what this means to the future of our family farm. Please push for revision of Section 179.

Dennis Miller, who grew up in Stark County and worked for an ag equipment dealership for 28 years, is similarly concerned. I am going to paraphrase from his letter. Four years ago he started his own business, Southwest AG Repair, Inc. He sells new McCormick tractors and repairs all brands of farm equipment. He has six employees.

Mr. Miller wrote to me earlier this year, anxious about the expiration of section 179:

> It is going to cut sales of farm equipment drastically if the farmers don't get a tax incentive to purchase equipment. The loss of sales will create backlash in the economy throughout the State and the country. There has to be a better way to create the tax revenue.

Mr. Miller, there is. You create tax revenue with economic growth, not higher taxes, just like you create jobs, create economic activity, getting that rising tide that lifts all boats—that is when it enables us to invest in the future of our country, the roads and bridges, our schools, and all of the things people want for this great Nation. But it comes from a growing economy. Of course, that is what creates the jobs we need for our families across America.

So when we talk about the Tax Increase Prevention Act, that is what we are talking about. We are talking about making sure here at the end of the year that taxes don't go up on hard-working taxpayers across this country, that taxes don't go up on our small businesses across the country, and that we understand that is truly the backbone of our economy, that all those people and all those small businesses are the ones who make our economy go every minute of every day.

It is time to act. The time is here. The votes are here on a bipartisan basis in this body to get it done. Let's get it done. Our American citizens, our hard-working taxpayers have waited long enough.

With that, I yield the floor.

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

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

SALDANA AND DEYO NOMINATIONS

Mr. CARPER. Mr. President, it is good to see you here today. The place is a little empty. I am glad the Presiding Officer, our staff, and our pages are all here.

I rise today to urge my colleagues to support two critical nominations to the Department of Homeland Security. They are Russ Deyo to be the Under Secretary for Management at the Department of Homeland Security and Sarah Saldana to be the Assistant Secretary for Immigration and Customs Enforcement.

The committee which I am privileged to lead, along with Dr. TOM COBURN,

the Homeland Security and Governmental Affairs Committee, is responsible for working with the administration and others to help protect our Nation's security at home and abroad. At the same time, we strive to make sure Federal agencies work better and more efficiently with the resources that are entrusted to them by the American people.

During my years of public service, I have learned that the most important ingredient in helping organizations to work is leadership. I do not care whether the organization is a body such as this, a governing body, I do not care whether it is a sports team, a business, college or university, a school, the most important ingredient in the success of that organization is leadership.

The Presiding Officer is one who has led the National Guard for the State of Montana for a number of years. He knows just what I mean. I thank him for his service and for his leadership.

When it comes to the Department of Homeland Security, the absence of leadership throughout the Department has been a great challenge and a major cause of the low standing in terms of employee morale that Department faces.

As we know, the Congress is going to soon wrap up our session for the year—in a couple of days. Senators have the obligation to fill two key leadership posts in the Department of Homeland Security in the days that lie ahead. One is the Under Secretary for Management. Mr. Deyo has been nominated by the President. I believe he is a Republican. The other is the Assistant Secretary for Immigration and Customs Enforcement, Sarah Saldana.

As we all know, this Department plays a critical role in protecting our Nation from a number of threats, including terrorism, cyber attacks, and natural disasters, just to name a few. Given the Department's significant role in the security of our country, it is critical that Secretary Jeh Johnson have a full leadership team in place. That includes Russ Deyo as his Under Secretary for Management. That is the third highest position in the Department.

I wish to take a couple of minutes to explain why Mr. Deyo's nomination is so important. As of this week more than 10 months will have passed since the last Senate-confirmed Under Secretary for Management, Rafael Borras, stepped down from his post. He was an excellent public servant, a great leader. We salute him and wish him well. But he has been gone for almost a year, and since then the Department has not had Senate-confirmed leadership. They need it.

Under Secretary Borras was widely respected by members of our committee in the Senate and the House and others for his leadership, management expertise, and most of all, maybe, for his candor. He helped the Department make strides in many areas and led the Department to its first clean financial audit—something the Department was able to achieve again this year for the second year in a row. Why is that important? I have a friend, and if you ask him how he is doing, he says: Compared to what? Well the Department of Homeland Security—it took them almost a decade to get an unqualified audit, a clean financial audit. The Department of Defense has been around a whole lot longer—since the end of World War II. They have yet to get a clean financial audit. They are making some progress finally. But the Department of Homeland Security achieved it 2 years ago and then again this year.

I think it is safe to say that the Department needs somebody with the same kind of commitment and leadership Rafael Borras brought. I believe, Secretary Johnson believes, and the President believes Russ Deyo is that person.

Mr. Deyo had an impressive career in the private sector, for 27 years helping to lead Johnson & Johnson, one of the top companies not just in America but in the world. There, he was the general counsel, and he was vice president for administration. We are so lucky that someone with his capabilities, his commitment, his smarts, his leadership skills, and his integrity is willing to serve in the Federal Government at this level. He also spent the last 15 years serving on the executive committee at Johnson & Johnson, which is the principal management group responsible for the company's global operations. He was also a partner at a major U.S. law firm.

Russ Deyo is no stranger to public service and working with law enforcement organizations. He was assistant U.S. attorney for New Jersey for 8 years. That included a period of time as chief of public corruption unit there.

His perspective from the private and public sectors will be an invaluable asset to Secretary Jeh Johnson, particularly as the Secretary implements his Unity of Effort Initiative at the Department, which strives to help the Department operate in a more unified, cohesive manner across all components.

If confirmed, Mr. Deyo will have a number of other challenges on his plate. For example, our friends at the Government Accountability Office continue to remind us that the acquisition and budgeting systems at the Department of Homeland Security are not fully mature. In fact, the overall management of the Department remains on the Government Accountability Office's high-risk list of government operations that need urgent attention. Of course, if Mr. Deyo is confirmed, he will inherit the challenges of improving morale across the Department. These are tough challenges, and some have been around since the creation of the Department. But I believe Mr. Deyo has the leadership experience and the skills necessary to tackle these challenges and to really make a difference.

I will take a moment here, if I can. Every year there is a nonprofit organization that looks across the Federal Government and asks questions of a lot of employees to really ascertain where morale is high, where some of the favorite places are for people to work in the Federal Government. The Nuclear Regulatory Commission for a number of years has led the pack there. There are roughly 15 big Departments that are part of that survey, but all told, there are something like 314 Federal agencies that are surveyed to make up this list, and the Department of Homeland Security runs dead last among the big Departments that are surveyed. Out of all of the Federal agencies that are surveyed, and there are 314 in all, ICE, Immigration and Customs Enforcement, which Sarah Saldana has been nominated to lead—dead last. Dead last. One of the reasons why, when I talk to people at the Department of Homeland Security, employees, whether they happen to be customs agents, whether they happen to be folks down on the border, Border Patrol, whether they happen to be TSA folks—whatever role they are playing across the country and around the world, among the major factors they point to, explaining the low morale, is lack of leadership, lack of confirmed leadership. We have worked so hard to address that. We have two holes left. One of them will be filled by Mr. Deyo—we need to confirm him—and the other by Sarah Saldana.

Here is what former DHS Secretary Michael Chertoff—Judge Chertoff—had to say when he introduced Mr. Deyo at his confirmation hearing before the homeland security committee earlier this year. Here is what the former Secretary said:

> Russ brings to the position he has been nominated for a broad range of experience with one of the best enterprises in the world.

That is Johnson & Johnson.

> You will find him to be a smart, experienced, and devoted public servant who will actually bring a unique set of skills to this job which are very critical.

This is a former Secretary of the Department. He said:

> I could not give a stronger endorsement to Mr. Deyo for this position.

Mr. Deyo has also received strong endorsements from three former Under Secretaries for Management at DHS, people who have had this job, done this job before: Paul Schneider, Elaine Duke, and the immediate past Under Secretary, Rafael Borras, whom I mentioned earlier. Here is what they had to say. Here is what the three of them, in unison, had to say about Russ Deyo:

> Russ Deyo is an outstanding choice by the President to be Under Secretary for Management.
>
> An impressive leader, he brings the requisite skills, experience, and leadership to this important position. He is recognized as a professional, unflappable statesman who can meet head-on the challenges this position faces and get results.

I have had the privilege of meeting with him. I don't make snap judgments about people, but he is one impressive

human being, one impressive leader. Everything I have learned about Mr. Deyo over the past several months has led me to conclude that he would be not only an exceptional candidate to be a manager at DHS but a terrific Under Secretary if confirmed.

I urge all my colleagues to support the nomination of Russ Deyo.

I wish to take a few more moments to turn to the nomination of Sarah Saldana to be the Assistant Secretary for Immigration and Customs Enforcement at the Department of Homeland Security.

We call it ICE, the acronym. As I said earlier, of the 314 Federal agencies that are evaluated top to bottom in terms of employee satisfaction, ICE was dead last, No. 314.

It has been almost 1½ years since they had a Senate-confirmed leader. They need one—not just anyone, they need a terrific leader. We believe Sarah Saldana fills that bill and meets the qualifications and the needs very well.

Immigration and Customs Enforcement—ICE, as we call it—is a vital law enforcement agency within the Department of Homeland Security. As I said earlier, it has been without a Presidentially appointed and confirmed leader for almost 1½ years—far too long, particularly considering all the issues we face along our borders and the more than 400 laws—think of that—that this agency, ICE, Immigration and Customs Enforcement, is required to enforce.

Some of my colleagues may not be familiar with what ICE does and why it is so critical for the agency to have Senate-confirmed leadership in place.

I wish to take a minute to address that. ICE is one of the Nation's law enforcement agencies, with more than 19,000 employees in all 50 States, the District of Columbia, and 48 foreign countries. What do all these people do? That is a fair question.

In 2013 ICE special agents initiated over 125,000 new investigations, made over 40,000 criminal arrests, seized $1.3 billion in currency and assets and took $1.6 million pounds of narcotics and other dangerous drugs off our streets. That is just part of what they do.

On any given day ICE arrests 370 criminal aliens in the interior of our country, has 34,000 people in detention, and moves nearly 500 criminal aliens from our country—on any given day. Managing such a large agency, with one of the most complex missions in the Federal Government, is a tall order. Thankfully, Ms. Saldana has agreed to step up to this challenge.

She is a true American success story. She rose from humble beginnings in South Texas as the youngest of seven children to become an accomplished partner at a major law firm. She is now the Nation's top law enforcement officers.

Ms. Saldana was unanimously confirmed by the Senate in 2011 to her current position as U.S. attorney for the Northern District of Texas. She has a distinguished record representing the U.S. Government as the senior law enforcement officer in one of the largest districts in the Nation.

It spans some 100 counties. I don't know how many counties the Presiding Officer has in the State of Montana—we have three—but she presides over a law enforcement operation that has 100 counties in the northern part of Texas.

In this role, she deals as closely and extensively as anyone else with the threats this country faces every day from transnational criminal networks. This experience will serve her well if confirmed to lead ICE.

Don't take my word for it. One of our good friends in the Senate, JOHN CORNYN, the senior Senator from Texas, felt strongly enough about her qualifications that he personally introduced Ms. Saldana at her confirmation hearing before the committee Dr. COBURN and I lead, the Committee on Homeland Security and Governmental Affairs.

Senator CORNYN said about Sarah Saldana:

> In her role as U.S. Attorney and prosecutor over the past decade, Ms. Saldana has served our State with honor, fighting corrupt public officials, organized crime, sex traffickers, and other dangerous criminals.

That sounds like a highly qualified candidate to me. That is not all Senator CORNYN had to say about Ms. Saldana. He went on to say this as well:

> If respect for the rule of law is our standard, and I think it should be, we would be hard pressed to find a person more qualified to enforce the law than Ms. Saldana.

That is high praise indeed and I couldn't agree more.

Some are arguing we should not confirm Ms. Saldana because of the President's recent Executive action on immigration. This decision will provide, though, relief from deportation for as many as 5 million undocumented immigrants living in the shadows today, law-abiding people who are productive members of our communities.

Still, some argue the President's actions should preclude the Senate from confirming even a highly qualified candidate such as Sarah Saldana to this critical position. I think that is absurd.

We have before the Senate a highly qualified candidate, a person who—according to her neighbor and the senior Senator from Texas—is fiercely independent, has served with honor in her current role, and respects the rule of law.

It does not punish the President to leave this position unfilled, it punishes the citizens of our country. It makes it harder for ICE to accomplish its mission, and it hurts the men and women at ICE who deserve a leader to ensure that this agency runs as efficiently as possible.

I believe the President acted within the bounds of the law in announcing his executive action. But whether you agree with me, opposing Ms. Saldana's nomination will do nothing to change what the President has done, nothing.

I hope Ms. Saldana, the first Hispanic person and second woman to be nominated to Immigration and Customs Enforcement, does not fall victim to politics as usual in the Senate. She is by all accounts exactly what this critical agency needs: a proven leader and a respected member of the law enforcement community.

What do they say about integrity? If you have it, nothing else matters. Integrity, if you don't have it, nothing else matters. She has it.

She will have a tough job ahead of her if she is confirmed this week, but I believe she is more than up to the task. I urge so strongly for our colleagues to join me, to join Senator CORNYN, and others to support her. We will never regret it.

With that, I am looking around the Senate Chamber. I know we are going to have a lot of folks voting, but I don't see anybody to speak.

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

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

Mr. CARPER. I have been asked to lead us through this wrapup session, even though it is a little early to wrap up, but I want to walk through it if I can.

COLLECTIBLE COIN PROTECTION ACT

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2754 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 assistant legislative clerk read as follows:

> A bill (H.R. 2754) to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I ask unanimous consent that the bill 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 bill (H.R. 2754) was ordered to a third reading, was read the third time, and passed.

REVISING THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous

consent that the Senate proceed to the immediate consideration of H.R. 3572, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3572) to revise the boundaries of certain John H. Chafee Coastal Barrier Resources System units.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 3572) was ordered to a third reading, was read the third time, and passed.

PERMANENT ELECTRONIC DUCK STAMP ACT

JOHN RHOADES FEDERAL JUDICIAL CENTER AND JAMES M. CARTER AND JUDITH N. KEEP UNITED STATES COURTHOUSE

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 343, H.R. 1206, and H.R. 1378, which was received from the House en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 1206) to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, and for other purposes.

A bill (H.R. 1378) to designate the United States Federal Judicial Center located at 333 West Broadway in San Diego, California, as the ''John Rhoades Federal Judicial Center'' and to designate the United States courthouse located at 333 West Broadway in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse.''

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. CARPER. Mr. President, I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be laid upon the table en bloc.

The bill (H.R. 1206) was ordered to a third reading, was read the third time, and passed.

The bill (H.R. 1378) was ordered to a third reading, was read the third time, and passed.

MAY 31, 1918 ACT REPEAL ACT

Mr. CARPER. As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5050, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5050) to repeal the Act of May 31, 1918, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5050) was ordered to a third reading, was read the third time, and passed.

EARLY ACT REAUTHORIZATION OF 2014

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5185, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5185) to reauthorize the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I ask unanimous consent that the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5185) was ordered to a third reading, was read the third time, and passed.

EXTENDING THE AUTHORIZATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. CARPER. As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5816, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5816) to extend the authorization for the United States Commission on International Religious Freedom.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I further ask unanimous consent that the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5816) was ordered to a third reading, was read the third time, and passed.

TRANSNATIONAL DRUG TRAFFICKING ACT

Mr. CARPER. As in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 706 and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 706) to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 706) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 706

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 ''Transnational Drug Trafficking Act of 2013''.

SEC. 2. POSSESSION, MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATIONS.

Section 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 959) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a), by striking ''It shall'' and all that follows and inserting the following: ''It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II or flunitrazepam or a listed chemical intending, knowing, or having reasonable cause to believe that such substance or chemical will be unlawfully imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

''(b) It shall be unlawful for any person to manufacture or distribute a listed chemical—

''(1) intending or knowing that the listed chemical will be used to manufacture a controlled substance; and

''(2) intending, knowing, or having reasonable cause to believe that the controlled substance will be unlawfully imported into the United States.''.

SEC. 3. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Chapter 113 of title 18, United States Code, is amended—

(1) in section 2318(b)(2), by striking ''section 2320(e)'' and inserting ''section 2320(f)''; and

(2) in section 2320—

(A) in subsection (a), by striking paragraph (4) and inserting the following:

''(4) traffics in a drug and knowingly uses a counterfeit mark on or in connection with such drug,'';

(B) in subsection (b)(3), in the matter preceding subparagraph (A), by striking ''counterfeit drug'' and inserting ''drug that uses a

counterfeit mark on or in connection with the drug''; and

(C) in subsection (f), by striking paragraph (6) and inserting the following:

''(6) the term 'drug' means a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).''.

MEASURES DISCHARGED

Mr. CARPER. As in legislative session, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of the following items, which are postal naming-bills, and the Senate proceed to their consideration en bloc: H.R. 3027, H.R. 4416, H.R. 4651, H.R. 5331, and H.R. 5562.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. CARPER. I ask unanimous consent that the bills be read a third time and passed en bloc and the motions to reconsider be laid upon the table en bloc with no intervening action or debate.

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

BARRY M. GOLDWATER POST OFFICE

The bill (H.R. 3027) to designate the facility of the United States Postal Service located at 442 Miller Valley Road in Prescott, Arizona, as the ''Barry M. Goldwater Post Office,'' was ordered to a third reading, was read the third time, and passed.

STAFF SERGEANT MANUEL V. MENDOZA POST OFFICE BUILDING

The bill (H.R. 4416) to redesignate the facility of the United States Postal Service located at 161 Live Oak Street in Miami, Arizona, as the ''Staff Sergeant Manuel V. Mendoza Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

SPECIALIST KEITH ERIN GRACE, JR. MEMORIAL POST OFFICE

The bill (H.R. 4651) to designate the facility of the United States Postal Service located at 601 West Baker Road in Baytown, Texas, as the ''Specialist Keith Erin Grace, Jr. Memorial Post Office,'' was ordered to a third reading, was read the third time, and passed.

COLONEL M.J. ''MAC'' DUBE, USMC POST OFFICE BUILDING

The bill (H.R. 5331) to designate the facility of the United States Postal Service located at 73839 Gorgonio Drive in Twentynine Palms, California, as the ''Colonel M.J. 'Mac' Dube, USMC Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

FEDERAL CORRECTIONAL OFFICER SCOTT J. WILLIAMS MEMORIAL POST OFFICE BUILDING

The bill (H.R. 5562) to designate the facility of the United States Postal Service located at 801 West Ocean Avenue in Lompoc, California, as the ''Federal Correctional Officer Scott J. Williams Memorial Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

VETERANS TRAUMATIC BRAIN INJURY CARE IMPROVEMENT ACT OF 2014

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4276 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 assistant legislative clerk read as follows:

A bill (H.R. 4276) to extend and modify a pilot program on assisted living services for veterans with traumatic brain injury.

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 4276) was ordered to a third reading, was read the third time, and passed.

JUANITA MILLENDER-McDONALD POST OFFICE

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 5687 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 assistant legislative clerk read as follows:

A bill (H.R. 5687) to designate the facility of the United States Postal Service located at 101 East Market Street in Long Beach, California, as the ''Juanita Millender-McDonald Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. CARPER. I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 5687) was ordered to a third reading, was read the third time and passed.

NOMINATION OF VIVEK HALLEGERE MURTHY TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE—Continued

NOMINATION OF DANIEL J. SANTOS TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD—Continued

NOMINATION OF FRANK A. ROSE TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE)—Continued

NOMINATION OF SARAH R. SALDANA TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY—Continued

NOMINATION OF ANTONY BLINKEN TO BE DEPUTY SECRETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I see we have been joined by the senior Senator from the State of Hawaii. Aloha.

Ms. HIRONO. Aloha.

Mr. CARPER. I am happy to yield the floor to Senator HIRONO.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I had an indication that if I were here on the floor I would be recognized. I don't know if there is any agreement on that or just an informal understanding.

The PRESIDING OFFICER. There is no order to that effect.

Mr. SESSIONS. I believe I have the floor and I would like to share some remarks at this time.

I understand Senator HIRONO was expecting to speak after Senator CARPER and was informally promised time, and Senator CARPER went a little long. So I would be pleased to yield to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I thank the Senator for yielding.

MURTHY NOMINATION

I rise today to speak in strong support of the nomination of Dr. Vivek Murthy for Surgeon General of the United States.

In these brief remarks I will explain why I think he is a highly qualified nominee, why his age should not be a limiting factor at all, and finally why we need a Surgeon General now.

Dr. Murthy has been waiting for a vote on this nomination for months. I am glad that today the time has come to give him that vote.

I met with Dr. Murthy a little while ago and found him to be one of the most interesting and likeable people I have met—and that is saying a lot.

He has accomplished much already and has a deep commitment to giving back through his work. I found him to be a breath of fresh air.

I was particularly impressed by his work at a company he founded where he identified inefficiencies in clinical drug trials and came up with a solution. His innovative ideas will help medical treatments move to market faster. In other words, he wanted to get drugs faster to the people who needed them.

We often speak with admiration of Americans who are technologically proficient, and it is rare to find someone who is not only tech savvy, but is able to take that skill and combine it with the kind of medical training, creative mind, and ability to identify and solve real-world problems. In Dr. Murthy, we have that someone.

While there are some who feel Dr. Murthy is too young and inexperienced to be Surgeon General, anyone who has met and talked with him as I have would, I believe, come away impressed.

Dr. Murthy is not yet 40, but certainly his age has not prevented him from accomplishing many things. He is someone who has done much to solve public health challenges in his years as a physician, and well before that.

He has leadership experience through his work starting and running a public health advocacy organization and this includes founding a technology company.

He has a strong medical background and experience that demonstrates his ability to take complex health information and translate it for others—exactly what we need in a Surgeon General.

If anything, we should be doing all we can to get young, bright, committed people such as Dr. Murthy into public service.

Recently, this Nation found itself worried about Ebola. Misinformation and fear were palpable in our communities. We did not have a permanent Surgeon General to coordinate the information tsunami that descended on the American people from government and scientists. And without a Surgeon General, it has been a struggle to ensure that accurate, timely information about Ebola was disseminated to the public.

Today it is Ebola. We don't know what public health crisis will come next. We need a Surgeon General who will roll up his sleeves, survey the evidence, and take action.

Dr. Vivek Murthy has demonstrated he will be that kind of Surgeon General because he does not shy away from asking tough questions, listening, and then developing solutions that are driven by evidence.

His listening skills and his ability to engage and communicate with a broad spectrum of people, combined with his medical and business background—he also has a master's degree in business—will make him an extremely effective Surgeon General.

Think about this: We have a nominee who is not only a well-trained physician but also has business management skills and the ability to engage stakeholders—be they medical professionals, faith-based organizations, or the public at large.

He can start conversations and effect real change to improve the health of our communities, particularly in his priority areas of obesity and mental health.

Again, I found in Dr. Murthy a combination of an ability to be very creative, with the very important ability to listen; because although he has both a medical and business background, he doesn't think he knows more than everybody else. So this listening ability is very important, with the ability to solve real-world problems.

I urge my colleagues to vote in favor of Dr. Murthy for U.S. Surgeon General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

SALDANA NOMINATION

Mr. SESSIONS. Mr. President, I rise today to speak in opposition to the nomination of Sarah Saldana. She has been nominated to head the Nation's top immigration law enforcement agency which has been at the epicenter of this administration's refusal to enforce our Nation's immigration laws. I am sure she is a person of integrity and character and has some experience at least as a U.S. attorney in Texas, but I will share with everyone some of the reasons I think this is not the right nomination at this critical time.

When asked in the Judiciary Committee whether she rejects the President's unlawful action to unilaterally grant legal residence and work permits to 5 million individuals illegally in the country, Ms. Saldana said she supported the President's action. Her answer reflects a remarkable disregard for the rule of law that demonstrates the difficulty she will have being the leader of this important agency. U.S. Immigration and Customs Enforcement, ICE, are immigration enforcement officials. They are hired to work as enforcement officials. As U.S. attorney I worked with Immigration and Customs officers and prosecuted their cases in Mobile, AL, and the gulf coast with shipping issues and immigration issues. That is what they do. But the President has decided to tell them not to follow their duties. Now he has gone so far as to unilaterally direct that those officers not enforce the law. He has established a new office in Crystal City, across the river in Virginia. That office will begin to process millions of claims for executive amnesty. They are hiring 1,000 new employees to do that work. What we are involved in is a situation in which a law enforcement agency is being instructed not to enforce the law—not only that, but the administration has gone beyond that and is actually providing legal status, work permits, and Social Security numbers and photo IDs, Medicare, and Social Security benefits to all of these people who entered the country illegally—which Congress refused to do.

The President asked for it. Congress said no. The President said: You didn't act, I am going to do it on my own, after saying more than 20 different times he didn't have the legal authority to do so. So I am not going to vote for and I don't think our colleagues should vote for a person to head this agency who believes this action by the President is lawful, because it is not lawful.

One would say: Somebody said it is lawful, JEFF, and that is your opinion. I served 15 years in the Department of Justice. I have been on the Judiciary Committee for 18 years. In my opinion it is not lawful, it is not constitutional, it is not a legitimate use of prosecutorial discretion. It goes beyond anything I have ever seen—perhaps this Nation has ever seen—in terms of violating the laws passed by Congress. That is the problem we have, and I think we should take a moment to listen to some excellent legal scholars on the question in play.

I would just add parenthetically that the Immigration and Customs Enforcement officers have the lowest morale of any of the subcomponent agencies in the government. It got so bad and they were so frustrated at not being able to do their jobs, the ICE association—representing some 7,000 agents and officers—sued their own director, John Morton, who held this position previously. This is the job Ms. Saldana has been nominated for. They said: Our supervisor is violating the law. He is directing us not to do our duties that the law says plainly we must do and shall do, and they filed a lawsuit in Federal court. I have never heard of any group of law officers filing a lawsuit saying they are being denied the right to fulfill their oath to see that the laws are being enforced, and that is what happened.

The judge was very sympathetic. He said this President is not above the law, but he found technically that the court did not have jurisdiction to hear the suit, and that is now on appeal. It has been on appeal for some time. It goes to show how demoralized this agency is, and the fundamental reason is that every officer out there knows what is happening. They are being directed not to do their duty, and it is up to Congress to pass laws and Congress has passed laws and the President cannot do away with that.

Let's examine some of the comments we have seen from professors. Professor Jan Ting of Temple University, a law professor, he was also one of the top officials—Assistant Commissioner of the Immigration and Naturalization Service. He has experience in that. He testified before the Judiciary Committee just last week. He said:

. . . the most comprehensive analysis of the administration's deferred action policies that has been produced to date is a 77-page law journal article published last year by Berkeley law professor John Yoo and St. Thomas law professor Robert Delahunty. In that article the professors catalogued and reviewed ''the most commonly offered and generally accepted excuses or justifications for the breach of [the president's] duty to execute the laws'' and concluded that the DACA program ''does not fall within any of them.''

So basically he agrees with the professor who has written this comprehensive article saying this isn't a prosecutorial discretion question. Professor Ting continues:

The conclusions of Professors Yoo and Delahunty have been repeatedly endorsed during the past three years by a well-regarded former professor of constitutional law at the University of Chicago Law School, Barack H. Obama II. President Obama—then-Professor Obama—himself.

Indeed, President Obama said over 20 times that he does not have the authority to do what he has done. For example, on March 28, 2011, he said:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed . . . we've got three branches of government. Congress passes the law. The executive branch's job is to enforce and implement those laws. . . .

There are enough laws on the books by Congress that are very clear in terms of how we have to enforce immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.

That is the President himself, in detail. He considered it at this time, from the detail in that answer. These are people saying, just give the people amnesty yourself, Mr. President, and he said no.

Later, on September 17, 2013, he said with regard to his unlawful deferred action for childhood arrivals program—the same principle, same program:

If we start broadening that . . . I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option . . . What I've said is there is a path to get this done, and that's through Congress.

On March 6 of this year, he stated that the DACA Program ''already stretched my administrative capacity very far . . . But at a certain point the reason that these deportations are taking place is, Congress said 'you have to enforce these laws.' They fund the hiring of officials at the department that's charged with enforcing. And I cannot ignore those laws any more than I could ignore, you know, any of the other laws that are on the books.''

In August of this year, just a few months before announcing his Executive amnesty—just a few months ago, he said:

I think that I never have a green light [to push the limits of executive power]. I'm bound by the Constitution; I'm bound by separation of powers. There are some things we can't do. Congress has the power of the purse, for example. . . . Congress has to pass a budget and authorize spending. So I don't have a green light.

That is true. Congress does have the power of the purse and Congress has not authorized the President to set up an office in Crystal City and hire 1,000 people to provide legal status and work authorization, Social Security numbers, and other such documents allowing them to take any jobs in America, and has not authorized that and hasn't provided money for that.

Congress should explicitly and directly—and I am disappointed that it hasn't this year—blocked that, which it can easily do.

Article I, section 8 of the Constitution is clear that Congress is vested with the plenary power over naturalization law. In 1954 the Supreme Court stated ''that the formulation of these policies is entrusted exclusively to Congress has become about as firmly embedded in the legislative and judicial tissue of our body politic as any aspect of our government.''

In exercising its plenary authority, Congress has declined to pass an immigration bill bestowing legal status and work authorization upon illegal immigrants. Congress has recognized the need to control the number of individuals who can come to this country to live and to work. It has passed laws to establish rules to protect the interests of American citizens. It is a fair system in which people apply to come to the United States, they are properly evaluated, and a certain number each year are admitted. We admit 1 million a year lawfully on a permanent resident status. Those are the most generous numbers in the entire world. In addition to that, we have 700,000 guest workers here and in addition to that it appears we have another 11 million illegal immigrants who have gotten into the country.

Now what about what is happening today, that Ms. Saldana said she supports, but I believe it is absolutely wrong. President Obama's recent unlawful Executive amnesty and work authorization actions have essentially started another system of immigration apart from the one that is in law. He has created another system of law to process people who want to come to America. In so doing he has violated the constitutional structure that gives Congress the power to set the laws for immigration.

In a recent paper, Professor Jan Ting, whom I noted before, said this:

In effect, the president's deferred-action program constitutes an alternate immigration system authorized by a cabinet secretary's memoranda. While the statutory system limits the number of employment-based visas to several hundred thousand per year, the presidential immigration system in a single year allots comparable privileges to several million illegal aliens. In light of the Supreme Court rulings on the ''plenary,'' ''complete,'' and ''exclusive'' authority of Congress to fashion immigration policy, an alternative presidential immigration system that nullifies the limits of the statutory immigration system is plainly unconstitutional.

That is what Professor Ting, who spent years working in the immigration system, described. Professor Ting further argues that the administration's assertions of authority to justify its ''alternative presidential immigration system''—that is a pretty good way to describe it—through prosecutorial discretion to ''defer action,'' ''parole'' authority, and the issuance of work authorization—directly violate constitutionally enacted immigration laws in the following ways:

Ordering ICE agents not to inspect and place into removal proceedings illegal aliens they encounter violates 8 U.S.C. Section 1225, which expressly curtails the President's discretion concerning inspection and detention of aliens not lawfully admitted to the United States.

It goes on to say:

Granting ''advance parole'' to ''deferred action'' recipients so they may travel back and forth between the United States and their native countries violates 8 U.S.C. section 1182(d)(5), amended in 1996 specifically to prevent the use of ''parole'' to ''admit aliens who do not qualify for admission under established legal immigration categories.''

Another quote:

Granting [work permits] to millions of illegal aliens ignores a century of case law, including Supreme Court decisions, holding that the Executive Branch may not circumvent the statutory employment-based visa system by opening the labor market to aliens not eligible for such visas, thereby defeating ''Congress' purpose of protecting American laborers from an influx of skilled and unskilled labor.''

Those are some of the things Professor Ting laid out that are directly violating law that the President has carried out in this scheme. He concludes: ''In other words, the president's deferred-action program sits on a plainly unconstitutional stool, which itself rests upon three plainly illegal legs.''

I think that is a fair analysis.

Chapman University Law Professor John Eastman also testified before the Judiciary Committee that ''the President has not just declined to prosecute (or deport) those who have violated our Nation's immigration laws. He has given to millions of illegal aliens a 'lawful' permission to remain in the United States as well, and with that the ability to seek work authorization, driver's licenses, and countless other benefits that are specifically barred to illegal immigrants by U.S. law. In other words, he has taken it upon himself to drastically rewrite our immigration policy, the terms of which by constitutional design are expressly set by Congress.''

I think that is indisputable. Somebody could say that is just your opinion. Well, I am here to decide the question. All of us are here to decide the question. Did the President act responsibly, lawfully or unlawfully in this action? It is not a close question, colleagues. You can find excuses, you can find some professor who says this or

that, but it is not accurate. At some point in our Nation's life we need to be able to ascertain and speak with clarity: Congress has the power to write immigration laws. Congress rejected the President's request to provide this power, and Congress should not allow this to continue because it is unlawful and in fact violates the Constitution.

Additionally, George Washington University Law School Professor Jonathan Turley, a nationally recognized constitutional scholar, who describes himself as a supporter of President Obama and his policies, testified before the House Judiciary Committee recently regarding the President's unilateral actions on immigration. He testified many times before Congress and frequently most usually, I believe, as a Democratic witness. He said this:

> It's not prosecutorial discretion to go into a law and say an entire category of people will no longer be subject to the law. That's a legislative decision. Prosecutorial discretion is a case-by-case decision that is made by the Department of Justice. When the Department of Justice starts to say, we're going to extend that to whole sections of laws, then they are engaging in a legislative act, not an act of prosecutorial discretion. Wherever the line is drawn, it's got to be drawn somewhere from here. It can't include categorical rejections of the application of the law to millions of people.

I think he is exactly right. He goes on to say:

> Many of these questions are not close, in my view. The President is outside the line. . . . And that's where we have the most serious constitutional crisis, I view, in my lifetime, and that is, [Congress] is becoming less and less relevant.

Professor Turley further testified:

> I believe the president has exceeded his brief. The president is required to faithfully execute the laws. He's not required to enforce all laws equally or commit the same resources to them. But I believe the president has crossed a constitutional line in some of these areas. . . . The problem of what the President is doing is that he is not simply posing a danger to the constitutional system; he is becoming the very danger that the Constitution was designed to avoid: that is, the concentration of power in any single branch.

That is exactly what Madison and the Founders of our country wanted to create, was a system where there is separation of power, and the power to make law is in Congress's hands.

According to ICE officers and agents, they are already being ordered to implement the President's unlawful directives. One ICE supervisor told my office:

> If you sneak in through the border, get past Border Patrol, stay under the radar for a few years, have kids, you will be rewarded with protection from deportation. This is not merely [prosecutorial discretion], this is a flagrant disregard for the rule of law and our sovereignty as a nation. Even if you come to the [port of entry] and claim credible fear, you will eventually be released from custody because you are not a priority.

According to the Partnership for Public Service's ''Best Places to Work in the Federal Government'' rankings released on December 9 of this year—just a few days ago—the Department of Homeland Security is the lowest of all the Federal agencies. That is a tragedy—that great agency. Of all Federal agencies——

The PRESIDING OFFICER (Ms. HIRONO). Senator, your time has expired.

Mr. SESSIONS. I didn't know we had a time limit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form. After that, a vote on the motion to invoke cloture on the Murthy nomination.

Mr. SESSIONS. I thank the Presiding Officer, and I ask unanimous consent for 30 seconds and I will wrap up.

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

Mr. SESSIONS. Of all federal agency subcomponents, ICE is ranked dead last by its employees.

In June 2010, the National ICE Council, the union that represents more than 7,000 agents within ICE, cast a unanimous vote of ''No Confidence'' in former ICE Director John Morton. That vote stemmed from the fact that the agents were prevented by senior leadership from carrying out their lawful duty to enforce immigration laws. Several ICE agents later sued Secretary Napolitano, Director Morton, and former U.S. Citizenship and Immigration Services Director Mayorkas, arguing that the administration's amnesty policies caused the ICE agents to violate their oath of office and Federal law by commanding them to refrain from detaining certain illegal aliens. The court held that ''DHS does not have discretion to refuse to initiate removal proceedings [where the law requires it to do so].'' The court also reaffirmed that Congress, and not the President, has the plenary power to set immigration law and that the administration's prosecutorial discretion and DACA policies violate Federal law.

Congress cannot further capitulate to this President's overreach. I would ask my colleagues to heed Professor Jonathan Turley's warning:

> I believe that [Congress] is facing a critical crossroads in terms of its continued relevance in this process. What this body cannot become is a debating society where it can issue rules and laws that are either complied with or not complied with by the president. I think that's where we are. . . [A] president cannot ignore an express statement on policy grounds. . . [I]n terms of the institutional issue . . . look around you. Is this truly the body that existed when it was formed? Does it have the same gravitational pull and authority that was given to it by its framers? You're the keepers of this authority. You took an oath to uphold it. And the framers assumed that you would have the institutional wherewithal and, frankly, ambition to defend the turf that is the legislative branch.

The first priority of Congress must be to restore the rule of law, secure the border, and bring the administration into compliance with the laws of the United States. Congress cannot and must not confirm anyone to lead an agency in DHS or other law enforcement agency who supports Executive amnesty. Congress cannot vote to accelerate its own demise. It would be unthinkable to yield to the confirmation of such nominees in the face of so grave a threat to our constitutional order.

This individual is going to take this law enforcement office, U.S. Immigration and Customs Enforcement, and she is going to execute at her direction to all those officers a policy that violates law and violates the Constitution of the United States as a bipartisan group of professors have so declared, and therefore I think none of us should support such an action, and therefore I would urge my colleagues to vote no on this nomination.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I don't understand this. I am glad the Senator from Alabama is still on the floor, but I just don't understand this.

How many speeches have we heard on the floor of the Senate that the No. 1 priority on the Republican side is border enforcement? How many times have we heard over and over again that before we can have any conversation about those in the United States, we have to seal our borders from the illegal immigrants coming into our country? I have heard it from the beginning. In fact, I heard it every time a Republican Member initiated a conversation about immigration. Isn't this interesting.

Two days ago we passed the budget bill for the remainder of this fiscal year that was initiated by the House of Representatives and sent over here. It was not called an omnibus spending bill, which would have meant all of the agencies of the government are in the budget. It had this peculiar name—CRomnibus. I don't know who came up with it, but what they were trying to say was that there was one agency of government that was not included in the overall budget. What was that agency? Well, it turned out it was the Department of Homeland Security.

The Republican leadership in the House of Representatives refused to send any spending bill here that would give ordinary appropriations to the Department of Homeland Security. Well, what does the Department of Homeland Security do? They guard our borders and stop illegal immigration. They have a massive responsibility at the borders, which the Republicans have said repeatedly is their highest priority.

So the first thing they do is send us a spending bill that has what is known as a continuing resolution to tie the hands of the Department of Homeland Security when it comes to spending money to enforce our borders and stop illegal immigration. But that was not enough. Now we hear the opposition of

the Republican side to filling the position that is responsible for enforcement of our borders, the position responsible for stopping illegal immigration. It is called ICE—Immigration and Customs Enforcement—which is part of the Department of Homeland Security. It was created in 2003. It is the largest investigative agency in the Department of Homeland Security. It is the second largest criminal investigative agency in the entire Federal Government. It has an annual budget of approximately $6 billion. It has more than 20,000 employees and more than 400 offices in the United States and 48 foreign countries. What is the responsibility of Immigration and Customs Enforcement? To enforce the border and to stop illegal immigration.

So the first—

Mr. SESSIONS. Will the Senator yield for a question?

Mr. DURBIN. I will not yield until I finish making my statement, and then I will be happy to yield.

First the Republicans send us an appropriations bill, and they will not pay for the agency to enforce the border and stop illegal immigration, and now they come to the floor and argue against filling the position that is responsible for enforcement at the border and stopping illegal immigration.

How long has it been since the Senate has confirmed a person to head this critical agency? July 2012 was the last time—more than 2 years—because of repeated objections by the Republicans to filling the vacancy of the person responsible for stopping illegal immigration.

The President has sent us a nominee. I will read what has been said about that nominee. Her name is Sarah Saldana. I quote:

> Ms. Saldana [is] the first Latina United States Attorney in Texas history, and only the second woman to hold that position in the 135-year history of Texas' Northern District . . . In her role as U.S. Attorney and prosecutor over the past decade, Ms. Saldana has served our state with honor—fighting corrupt public officials, organized crimes, sex traffickers, and other dangerous criminals. Throughout her career, Ms. Saldana has developed a reputation for her decisive and fair temperament and her commitment to excellence.

Can you imagine a more ringing endorsement for someone to head up ICE, Immigration and Customs Enforcement? You would expect that came from the White House, wouldn't you? You would think such a glowing tribute to this nominee must have been personally written by President Obama. No. The quote I read to you comes from the senior Senator from Texas, Mr. JOHN CORNYN. Senator CORNYN, of course, sits on the Republican side of the aisle. Senator CORNYN didn't vote for Ms. Saldana in committee. I take that back. Every Republican Senator in the Judiciary Committee, including Senator CORNYN, voted against her nomination, so that part is accurate, but all the Republicans voted against her. Get the picture?

All the speeches about border enforcement, all the speeches about stopping illegal immigrants being the No. 1 priority of the Republican Party on immigration—first, they don't fund the agency; second, they won't fill the position responsible for administering the law.

Then comes an imminently qualified woman to run the agency—to paraphrase the words of Senator CORNYN of Texas—and they object to her. They refuse to stand by her nomination.

If you think this is hard to understand or follow, imagine what we have seen over the last 2 years. It has been about 540 days since the Senate passed a comprehensive immigration reform bill with 68 votes. Fourteen Republicans and the Democrats passed a comprehensive immigration reform bill that had the strongest border protection in the history of the United States. It would have virtually created a seamless fence—literally and figuratively—on the border between the United States and Mexico from San Diego to Galveston. It would have put more technology and more people on the border. Under this bill, the people on the border who are working for us to stop illegal immigration would have been able to literally stand and see another person standing half a mile away along the 2,000-mile border, 24/7. That is how many people were in this bill. We passed it with 68 votes. It was lauded by conservatives and liberals, the chamber of commerce, the AFL–CIO, faith groups, justice groups. They all said this is a good bill.

It passed the Senate and went to the House of Representatives, where it was never ever called in over 500 days. Speaker BOEHNER refused to call the bill on the floor. Why? Because it would have passed. He knows it would have passed, and that is why he would not call it. It was because of the failure of the Republican leadership in the House to even call this bill that the President issued his Executive order.

We had a hearing—the Presiding Officer chaired it—last week in a subcommittee of the Senate Judiciary Committee, and we discussed the President's Executive order on immigration. There were two witnesses who opposed the President's order, two professors. It was Professor Eastman and Professor Ting, if I remember correctly. I will correct the RECORD if I am mistaken. They opposed the President's Executive order.

I asked a simple question: This is a world of choices, and we have three choices, and I would like to ask each of you which one you would choose.

The first choice is to continue this broken immigration system in America and do nothing, which is the position taken by the House Republicans. They have done nothing for a year and a half. So that is the first choice. We could leave it as is—a broken system that we know has 11 million undocumented people in the United States with no registration, no guarantee they are paying taxes, and no criminal background checks. That is choice No. 1.

Choice No. 2 is deport 11 million people in the United States of America who are here undocumented. Deport them. That was Mitt Romney's choice when he was running for President.

Choice No. 3 is what the President has proposed—that anyone who has been here for at least 5 years must come forward, register with the government, submit themselves to a criminal background check, pay their fair share of taxes for a temporary work permit, which must be regularly renewed so we can check again. If they have done anything wrong or if there is a criminal record, they are gone. If there is no criminal record, they can stay and work on a temporary basis.

I said to them: Those are the three choices—the broken system, mass deportation, or the President's approach. Take your pick.

They didn't want to make the choice. Of course not. Those are terrible choices if you oppose the President's position.

I think the President has done what is reasonable, and it is what 11 other Presidents have done—Executive orders on immigration.

I want strict border enforcement. I voted for it here on the floor of the Senate, the strongest in our history. But I can't understand the Republican position which opposes funding border enforcement on a regular basis, opposes filling the position that administers border enforcement, and which has no alternative to offer. That is what we have before us.

MURTHY NOMINATION

I will yield the floor and add in closing that coming up for a vote at 5:30 p.m., if I am not mistaken, will be the nomination of Dr. Vivek Murthy to be Surgeon General of the United States of America. I gave a speech about him earlier today. He is eminently qualified. Here is a man who has an extraordinary academic background, including graduating magna cum laude from Harvard. He has worked on a combined degree of a medical degree and a business degree. He has taught at Harvard. He is published in the journals and has the support of over 100 professional medical organizations that believe he would be an extraordinary Surgeon General.

I ask, at a time when we are facing the greatest public health crisis in current memory with the Ebola epidemic, how in the world can we leave this post vacant?

I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SALDANA NOMINATION

Mr. VITTER. Madam President, I rise to strongly oppose the nomination of Sarah Saldana to head ICE for a very simple reason: If confirmed as the head of ICE, Ms. Saldana would be a key player in the administration to help

President Obama further a very bad policy that is very unconstitutional and completely beyond the President's proper constitutional authority.

In my opinion, it all comes down to this very important issue of his Executive amnesty—his recent decision, without authority, to move forward on his own, without legislative approval and without congressional action, to grant about 5 million illegal aliens in this country an Executive amnesty.

I think that is a horrible and dangerous decision for two reasons.

First of all, I think the policy is wrong and is guaranteed—alas, even designed—to produce more illegal border crossings, which will increase the problem, not solve it. Some things are pretty simple, and one simple rule with regard to law enforcement is that when you reward certain behavior, you are going to get more of it, not less of it. Through his Executive amnesty, President Obama is clearly rewarding that behavior and rewarding illegal crossings. In every instance in our past when that has happened—including a 1986 amnesty that was at least passed through Congress—it produced more of that behavior, more of the illegal crossings, and more of a problem, not less of it. I think it is horrible policy from that point of view.

The second reason I am very concerned about this recent Executive action is even more fundamental, and that is because I think this is clearly beyond the President's proper legal constitutional authority. I think his actions are clearly unconstitutional, beyond that authority, and therefore a very serious matter for the country and the Congress to focus on.

I am the first to admit that every President has significant Executive power, and every President has the power to provide details when statutes are silent about them, to figure out necessary details in implementing and in executing statutes. His job as the Executive is to execute. But that is fundamentally different from taking action that is completely contrary to statute. Of course, that is what the President is doing in this case—granting amnesty to about 5 million illegal aliens when the statute, properly passed through Congress, says these folks came into our country illegally, they are here illegally, and allowing them to stay here and work is contrary to law.

Again, it would be one thing if the President had to figure out details consistent with that statute, but instead he is taking action directly contrary to those statutes and that directive. It is not simply prosecutorial discretion. It is not simply saying, well, because of a particular circumstance, we are not going to prosecute that case or this case or that case over there. He is making a broad policy which will affect about 5 million cases, and he has gone way beyond saying: We won't prosecute these cases. He is having his bureaucracy—his administration—actually issue work permits by giving folks who cannot work legally in this country work permits. He is telling employers to hire them because they have this new work permit. He is giving them Social Security numbers and other affirmative identification. Again, that is not figuring out the details on how to execute law; that is not figuring out unspoken details about how to further law; that is acting directly contrary to our law and to our statutes on this very topic. Clearly, anyone in the position of heading ICE, including this nominee, Ms. Sarah Saldana, if she is confirmed, would be clearly and directly furthering that bad policy and illegal and unconstitutional action.

To the point of this being unconstitutional, don't take my word for it. There are a lot of authorities on the subject, a lot of legal authorities, such as professors and academic experts.

The Supreme Court directly recognized that on the policy of immigration in particular, Congress absolutely has clear authority to act in that area under the Constitution. In fact, in previous opinions, the Supreme Court has written that ''over no conceivable subject is the power of Congress more complete'' than on immigration.

Another interesting expert and source on this topic is President Obama himself. Prior to taking this enormous action—in the years prior—President Obama said very directly to his supporters urging him in this direction: I don't have the authority to do it. He repeatedly acknowledged that.

He said:

> This notion that somehow I can just change the laws unilaterally is just not true.

He also stated:

> For me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President.

Well, President Obama was right back then. The problem is his recent actions—his Executive amnesty—constitute a complete turnaround on that by doing exactly what he himself previously said he doesn't have the authority to do.

Again, why is this pertinent? Because Sarah Saldana, if confirmed to head ICE, will be a key participant in the administration thereby furthering this policy that is a bad policy. It is a counterproductive policy that will make it worse, not better. Even more seriously, it will further this action, which is illegal, unconstitutional, and well beyond the President's constitutional authority.

This is serious stuff. This is serious constitutional business, and I urge my colleagues to look hard at these matters. After they do look seriously at these matters, I urge my colleagues, Democrats and Republicans, to vote no on this confirmation.

Again, the whole issue is serious. Illegal immigration is a vexing problem. Yes, we need to act. It is a complete straw man for the distinguished leader on the Democratic side to say that Republicans in the House—or anybody else—just don't want to act. Of course we need to act. Of course we have proposed actions.

The question is, what actions, in what order, in what time?

This action is wrong on so many grounds. It is wrong on policy because it is going to make the problem worse. It is rewarding illegal crossings, so we will get more of them. It is wrong, even more seriously, on constitutional grounds. It has gone well beyond President Obama's legal and constitutional authority. Based on those serious areas of concerns, I urge my colleagues to vote no on this confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MURTHY NOMINATION

Mr. MARKEY. Madam President, I rise to speak briefly to say that Dr. Murthy is about as well qualified to be Surgeon General as anyone has ever been. He brings a unique set of skills, background, and perspective that is going to serve our Nation very well. It is my hope the Senate will take this great opportunity to ensure he is given the position to serve our country with his incredible background in the way that I know all Americans are ultimately going to come to be very proud.

I want everyone to know that in Massachusetts we are very proud of him. We in Massachusetts know that he has developed a skill set which is much needed for the 21st century, much needed in an era where diseases cross international boundaries, where there is a recombinant of DNA of disease that increasingly, because of the global nature of the world we live in, is coming back here to the United States. This is our opportunity to put a real leader in this position—a leader who then can give leadership not only to our own country but to the rest of the world as well.

So I urge an affirmative vote for Dr. Murthy to become our new Surgeon General.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SMALL BUSINESS LEGISLATION

Ms. CANTWELL. Mr. President, I know that so many of my colleagues are looking forward to wrapping up this year's business and hopefully getting home soon for the holidays.

I wish to take a few minutes to speak about a couple of issues. First I wish to give some remarks about my colleague, the Senator from Louisiana, on her retirement, and to mention a few things that have been going on in the small business committee which will be wrapping up business. The small business committee and Senator LANDRIEU are kind of synonymous in my mind because my colleague Senator LANDRIEU has been, for the better part of the last couple of years, the Chair of that committee and has done some incredible work. As legislation is moving through the final days in the U.S. Senate, we have been very successful in getting some important legislation passed for small business.

One piece of legislation we were able to make a part of the Defense authorization bill is sole-source contracting for women entrepreneurs so they can more easily get contracting with the Federal Government. That is going to help us have their great products and services more easily contracted and get access to those contracts.

There is also money for microlending programs. My colleague from Michigan, Senator LEVIN, has pioneered an idea that is so important to women entrepreneurs and that involves the kind of lending they would like to see from the Small Business Administration, which is microlending, and for women to be able to get access to microloans. They also want an intermediate loan level of $200,000 or less. That helps them target some of the business interests they have, because we definitely need more women entrepreneurs in our country.

The third item is the STEP program, which is a small business export assistance program that works with States. The Federal Government and the Small Business Administration work with States to help them target businesses within their States that can use export assistance to become exporters. This is such an important issue for our country, because we, with a growing middle class around the globe, have a great opportunity to sell new products and services around the globe. But many of our small businesses are challenged by the risk of making those kinds of attempts to sell in those markets. So this export assistance program, which had been a pilot, is now going to be a funded permanent program. So we are excited about that and excited it is moving through.

TRIBUTE TO MARY LANDRIEU

I also didn't get a chance last week to speak about my colleague Senator LANDRIEU on the floor, so I wanted to take a few minutes now to remind my colleagues that as someone who has served with her on the energy committee and served with her on the small business committee, I have been so impressed with the accomplishments she has achieved in her career here in the U.S. Senate. For much of the time she was talking the other day—rightfully so—she shared a lot of moments of her career and a lot of personal moments. I wanted to remind my colleagues of some of the very big challenges she faced as a Senator and how impressed I am with what she was able to actually overcome.

Many people know that obviously being hit by Katrina was one of the biggest economic challenges not just in Louisiana but to our country, and her impassioned leadership and calls to hasten the efforts to make sure we were doing everything we could for those individuals to receive medical aid and shelter and help find loved ones was nonstop for many days. She successfully, as she mentioned on the floor, urged OMB to fully fund the repairs of the levee system in southeast Louisiana and continues that work. She succeeded in passing legislation that directed the Army Corps of Engineers to analyze, design, and strengthen the storm mitigation systems against category 5 hurricanes.

Now if any of my colleagues in the U.S. Senate have ever worked with the Army Corps of Engineers, say no more. You know how challenging it is. We don't control them. They base all of their work on science. They have a budget. It is never enough money. It can seem as though we are fighting them for ever and ever to get something we think is essential to protect the people in our State to move forward. So she did all of that and moved the focus to make sure we establish a defense against category 5 hurricanes.

Also, if any of my colleagues ever had a flood or a storm in their State post-Katrina, they know the first person they were going to hear from was MARY LANDRIEU. She didn't stop her efforts in Louisiana. She wanted to take everything she learned from that emergency and call you up and tell you these are the things you need to do immediately and this is how you should get prepared. I know she did that for many of my colleagues and we so appreciated it.

Then another catastrophe happened—the Deepwater Horizon oilspill. As a member of the Commerce Committee, I can tell my colleagues I spoke to her many times about issues as they related to the Clean Water Act and what was eventually passed, the RESTORE Act, which was a bipartisan effort. Basically, the bill made sure that 80 percent of the Clean Water Act fines from BPA went directly into the Gulf States, making this the biggest individual investment in environmental conservation and restoration in our country's history. That was no easy task. There were a lot of people at the time who wanted to focus on many different aspects of that disaster, and so many events have taken place since then. But I can remember clearly the catastrophe and what it meant for the fishing community, the individuals, the States' economies—all of the questions. A lot of people were looking backwards about what happened, but the Senator from Louisiana was looking forward to make sure those funds were invested right there in the gulf. That was a big challenge that she was successful in meeting.

Obviously, she used her voice for many issues related to Louisiana, but I wish to emphasize to my colleagues how much she also used her voice for many other people who didn't seem to be here in the Halls of Washington and made sure that those issues were at the top of the agenda.

We had the 2009 economic crisis in our country and many people remember because it had such a huge economic impact to individual families. The Senator from Louisiana made sure she was standing up for small businesses during that time period. There were millions of Americans who lost their jobs during that time period, and as everybody was here talking about what to do to help these big banks—and we all know that they got a bailout—many small businesses across the country actually had performing lines of credit cut out right from under them. So they didn't have anybody knocking on the door to make sure they were being helped. But the Senator from Louisiana got very vocal here about the prioritization of making sure that we did something about conventional lending and tried to tackle this issue.

From 2007 to 2009, the number of SBA borrowers dropped by more than half and the amount of loans dropped by more than one-third. Many of these small businesses were paying the price. So Senator LANDRIEU got busy fighting for what was the Small Business Jobs Act. If my colleagues remember that debate, there were many times that some people on the other side of the aisle didn't want to support that legislation or even moments when Treasury didn't know if they wanted to support that legislation. She was successful in the end in getting that legislation passed 61 to 38. The Small Business Jobs Act leveraged more than $42 billion in loans to more than 90,000 businesses throughout the SBA. The bill, along with other measures, helped target about $12 billion in tax cuts for small business. So while the big banks had immediate relief, they had someone here in DC fighting for small businesses, and that was Senator LANDRIEU.

That legislation also saw a small business lending fund increase so that there was more capital on Main Street for small business. As a result of the legislation, 2011 and 2012 were the two biggest years on record for the 7(a) and the 504 program, which are kind of the premier programs for the Small Business Administration. That went a long way to helping small businesses begin to recover. Also, the small business credit initiative helped small businesses get access to capital.

So all of these things were what my colleague from Louisiana fought for to help small businesses. I think it is a perfect example, along with those

other things about how she used her voice to try to bring clarity to the challenges we were facing and stand up for those who weren't being heard.

She also, though, lent her voice to another group that is often—we don't necessarily always understand all of the issues surrounding it. I kind of think that she took over for Senator Byrd who was a great advocate on behalf of animals and spoke a lot about his dog, and many of the stories he shared warmed everybody's heart. Senator LANDRIEU last year was the Humane Society's Legislator of the Year for her consistent work to prevent the cruel practices of horse slaughter, to protect wild animals, and strengthen provisions against animal fighting. So she clearly deserved that title and we certainly appreciate her efforts there. She was also a voice for the District of Columbia. People get committee assignments, and, yes, she had that committee assignment, but the thing about Senator LANDRIEU is that once she took an assignment, she was tough on making sure those issues were addressed. She did that for the District of Columbia.

I want to add my sincere thanks to the Senator from Louisiana for all of her work and public service here in the Senate. She will be missed. I know she and I share a passion for the Land and Water Conservation Fund. It is an issue that is near and dear to my heart and something she has tried in her time in the Senate to get fully funded. We are going to continue that work on her behalf in the energy committee.

Again, I thank my colleague and dear friend for her incredible passion and for fighting for those whose voices were not always heard. There is no mistake her voice was heard here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

MURTHY NOMINATION

Mr. BLUMENTHAL. Mr. President, I am very pleased to be here today to speak on behalf of President Obama's eminently qualified nominee to be Surgeon General, Dr. Vivek Murthy.

I request that I be permitted to yield to my colleague from Connecticut, Senator MURPHY, at the end of my remarks.

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

Mr. BLUMENTHAL. The Surgeon General of the United States is a person of public trust in this country who has a long and eminent record of informing the Nation and fighting on behalf of the public health of Americans. He has addressed some of the Nation's most pressing public health problems. Over time, there have been a variety of people in that position of public trust to address some of the most pressing public health problems in this Nation. Those challenges have included nicotine addiction, the menaces of Big Tobacco, AIDS, and other emerging diseases, nutrition and food labeling. These challenges require someone of courage and expertise, indeed eminence as a public health warrior.

In just a few months, the Nation has faced a public health crisis that caused many to question who would be that warrior, that fighter, that eminent and expert physician, and who would defend this Nation at a time of public health crisis.

Many decried President Obama's appointment of an Ebola czar to fill that position when no one could step forward as Surgeon General, and the reason is that there was no Surgeon General. We lacked someone who could fulfill that role because of a misplaced and misguided opposition. That position has been vacant for far too long. Hopefully today we will confirm Dr. Murthy and allow him to get on the job and get to work on this and other pressing problems facing our country.

Ebola cases continue to present a dire threat to our Nation because in parts of Africa they are still spreading. Just last week the Centers for Disease Control and Prevention announced that there are serious doubts about whether the Nation's supply of flu vaccine will be effective against the strain of flu that is circulating this winter. We need a Surgeon General to handle that potential public health crisis as well. We are not out of the woods, to quote what Dr. Frieden told me in a conversation just last week on Ebola. We are about to go into the woods in the flu season, and the Surgeon General, as a leader, is needed right now.

The Public Health Service Commissioned Corps, under the leadership of the Attorney General, was deployed to field hospitals and emergency clinics in the wake of Hurricane Katrina, the Deepwater Horizon oilspill, and the 2010 earthquake in Haiti. They are fighters and warriors for public health as well.

Dr. Murthy's credentials are without question. They are impeccable, unquestionable, and indisputable. He is a graduate of Harvard College and Yale School of Medicine. He completed his residency at the Brigham and Women's Hospital in Boston. He is one of our country's most respected medical professionals. He now works and teaches at the Brigham and Women's Hospital. He also earned an MBA, also from Yale. He has been a leader of business and nonprofit organizations that work on many aspects of medical practice, biotechnology and domestic and international public health issues.

If the question were only about his qualifications, he would be in that position right now, confirmed by the Senate, but unfortunately he has been blocked. The only point raised against him, unconscionably and unnecessarily, is a political smokescreen, essentially, going to comments he has made about gun violence as a public health issue.

The simple fact is gun violence impacts far too many people. It destroys far too many lives. It is the second leading cause of death in this country after car crashes. Gun violence kills twice as many children as cancer, 5 times as many children as heart disease, and 15 times as many children as infection. Between 2000 and 2010, more than 335,000 people died as a result of gun violence.

Pointing out these facts and asking whether there are strategies we could apply to bring that number down is exactly what a person tasked to keep Americans healthy ought to be doing. But he has said he is going to focus on issues that concern the American public health and will be a fighter for American children, for Americans, against heart disease and cancer and other kinds of issues that affect public health, especially of children, and that is to be valued.

That smokescreen about gun violence should not have blocked him and should not impede this body voting for him today, approving him as Surgeon General because of his qualifications and because he will contribute enormously to make Americans healthier and safer in this country.

I am enthusiastically and proudly a supporter of him, and I ask my colleagues to approve him as Surgeon General of the United States to make America safer and healthier and to reject the slick smokescreen that has tried to stop him.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. I thank the Senator from Connecticut for his advocacy on this issue. I know we are approaching a vote, so I will be brief in my comments. Not to repeat those of Senator BLUMENTHAL, but he is exactly right—there are absolutely no questions about the qualifications of Dr. Vivek Murthy to do this job.

In addition to his professional background and his teaching responsibilities, he also has a very impressive history of commitment to international public health—building two international organizations, one that empowers hundreds of youth in the United States and India to educate over 45,000 students on HIV prevention and another one which works in rural health partnerships in India training young women to be health educators and counselors for thousands of patients.

That is a pretty impressive record, when you combine it with what Senator BLUMENTHAL already laid out, for a still fairly young physician, someone who will bring an enormous amount of energy to this job at a moment we need it. Ebola is at the top of the list as to the reasons why we need a Surgeon General now, but we are in a remarkable period of contraction when it comes to health care spending increases. Health care costs grew by 3.6 percent in 2013, which is the slowest rate on record since the government started keeping track in 1960.

Frankly, a sound, good, sensible public health policy has a lot do with our

ability to continue curtailing the rate of health care spending increases. Why? Because obesity rates in this country—even if they were just trimmed by 5 percent, that could save $160 billion over the next 10 years. Smoking, which will hopefully be a centerpiece of the Surgeon General's advocacy plan, contributes about $133 billion in direct costs.

If we want to do something about the size of the health care budget in this country—which is something the Republicans and Democrats believe in—then we need a Surgeon General because that is the person who is leading our public health conversation all across the country, eminently qualified and desperately needed. I am glad we are having a vote here today.

Let me say just a few words about this controversy that has surrounded his choice. The criticism effectively amounts to comments that Dr. Murthy made saying two things, generally—one, that he thinks gun violence is a problem; two, that he generally agrees with where the President stands on this issue.

Let's take the second first. It is not surprising that the President is choosing people to be part of this administration who agree with him on a variety of issues. But, as many of my colleagues on both sides of the aisle have said, the Surgeon General doesn't set gun violence policy in this country, and so there shouldn't be a question as to whether he can separate his views on guns from his job, just as there is not a question as to whether Secretary Castro or Secretary Burwell can do the same. But it is also not surprising that he has those views because the President is entitled to pick people for important positions who generally think the same way he does on issues that are relevant to the job they are taking but also on issues that aren't in that particular appointees's responsibilities.

But let's take the first criticism—that he made these statements about guns being a public health problem, gun violence being an issue that we should confront. If a nominee for Federal office is unqualified simply because they have pointed out that gun violence is an issue we should work on, then this debate is so far removed from what is happening on the ground floor of this country as to possibly be irretrievable for the purposes of commonsense debate. That is what Dr. Murthy essentially said, that gun violence is a problem we should be working on. If we can't even get to point where we all agree on that general notion, separate and aside from whether you agree with what he thinks we should do about it or what somebody else thinks we should do about it, well, maybe this is more hopeless than I thought.

I am glad we are going to move forward on a vote on Dr. Murthy today. He is qualified to do this job, and he has an admirable background in public health policy, in the practice of medicine, and in the teaching of medicine. We need a Surgeon General right now, whether it is to confront Ebola or to help us continue on a path toward controlling health care costs.

Separate and aside from this nomination, let's agree to agree that Dr. Murthy is right that gun violence is a problem that this country should be addressing. No matter what your view on how we get there, that is something we should all be able to unite around.

I yield the floor.

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. SANDERS. 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. SANDERS. Mr. President, I ask unanimous consent to yield back any remaining time.

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

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 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 Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service and to be Surgeon General of the Public Health Service.

Harry Reid, Tom Harkin, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Elizabeth Warren, Richard J. Durbin, Christopher Murphy, Bernard Sanders.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service and to be Surgeon General of the Public Health Service, 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 California (Mrs. BOXER) and the Senator from Ohio (Mr. BROWN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNS), and the Senator from Florida (Mr. RUBIO).

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

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

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 355 Ex.]

YEAS—51

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

NAYS—43

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

NOT VOTING—6

Boxer	Chambliss	Johanns
Brown	Cochran	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43.

The motion is agreed to.

The majority leader.

Mr. REID. We have three more votes tonight. I ask unanimous consent that they be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MURTHY NOMINATION

Mr. LEAHY. Mr. President, it has been 10 months since the Senate Committee on Health, Education, Labor, and Pensions favorably reported the nomination of Dr. Vivek Murthy to serve as Surgeon General of the United States. While this seat sat vacant, our Nation has suffered through concerns and divergent information about the possibility of an Ebola outbreak and is on the cusp of what is predicted to be a difficult flu season. It is past time to move forward and confirm this nomination.

The Surgeon General is the Nation's chief medical officer and plays the role of chief medical information ''explainer'' for all Americans. There is a vast amount of information available about how to best take care of your health and the health of your family. The Surgeon General has the authority to distill the best research to present a clear message on effective disease prevention and health promotion. As the health policy advisor to the President and the Secretary of Health and Human Services, the Surgeon General plays an important role in proactively

addressing the many public health issues that face Americans. With an aging population and chronic diseases such as diabetes on the rise, this is a key position in the effort to improve the overall health and wellbeing of the American people.

Unfortunately, this nomination has been stalled for months due to comments Dr. Murthy made in the context of the school shootings in Newtown, CT. Dr. Murthy referred to gun violence as an ''important public health issue'' but also acknowledges that the causes of gun violence are ''complex and multi-faceted.'' He urges Congress ''to develop a comprehensive national plan to stop gun violence.''

While there is significant disagreement over firearm regulations in our country, we should all be able to agree that reducing gun violence, and the devastating effects it can have on our communities, is a priority. Many doctors' groups treat gun violence as a public health concern and believe it is a relevant and important issue to discuss with patients. Dr. Murthy testified in his confirmation hearing before the Health, Education, Labor, and Pensions Committee that he does ''not intend to use the Surgeon General's Office as a bully pulpit for gun control. That is not going to be my priority.''

Dr. Murthy further explained that his ''concerns with regards to issues like gun violence have to do with my experience as a physician, seeing patients in emergency rooms who have come in with acute injuries; but also seeing many patients over the years who are dealing with spinal cord injuries, post-traumatic stress disorder, and other chronic complications from gun violence.''

I am a gun owner myself, and I and have enormous respect and appreciation for the freedoms the Second Amendment protects. However, I do not believe that gun violence, and the injuries and fatalities that result from it, is a problem we can simply ignore. On average, more than 100,000 people are shot every year in the United States. From 2000 to 2010, more than 335,000 people were killed by guns in the United States. This is an issue about which we must be able to have an honest discussion.

Dr. Murthy's impressive background as both a hospitalist attending physician and instructor in medicine at Brigham and Women's Hospital at Harvard Medical School, and his background as the founder and president of Doctors for America make him well qualified to serve as our Nation's Surgeon General. I hope his nomination is confirmed today.

Mr. ENZI. Mr. President, I wish to express my opposition to the nomination of Vivek Murthy to be Surgeon General.

While Dr. Murthy may have future promise as both a physician and public health expert, I have serious concerns about his current qualifications, as well as his choices regarding public health advocacy.

One former Surgeon General, Dr. Richard Carmona, shared a letter with the Senate highlighting his opposition to the nomination. In his words, ''The nominee, Dr. Vivek Murthy is a physician very early in his career with great promise but no formal public health education training, leadership or management experience.'' He goes on to say, ''His partisanship and lack of qualifications for the job of Surgeon General give this nomination the scent of political patronage.'' This insight, from someone who served in that position, is concerning.

Dr. Murthy's main public policy and public health activity to date has been to use the group he founded, Doctors for America, to promote President Obama's campaign to advocate for expansive gun control, going so far as to even recommend that doctors counsel their patients about gun ownership. He is entitled to his opinion, but the opinion of the Surgeon General becomes something much more significant.

At a time when our Nation is at risk from deadly chronic conditions, dangerous disease outbreaks like Ebola, and the ever-present threat of public health disasters and pandemics, this is not the moment to devalue the role of the Surgeon General. The person who serves as Surgeon General must be someone Americans can trust. But Dr. Murthy, so far, has not demonstrated that he is capable of fulfilling that role, and so I must oppose his nomination at this time.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the nomination of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Ohio (Mr. BROWN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNS), and the Senator from Florida (Mr. RUBIO).

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 356 Ex.]

YEAS—51

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

NAYS—43

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

NOT VOTING—6

Boxer	Chambliss	Johanns
Brown	Cochran	Rubio

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board.

Harry Reid, Carl Levin, Brian Schatz, Patrick J. Leahy, Bernard Sanders, John E. Walsh, Patty Murray, Jack Reed, Tom Udall, Sheldon Whitehouse, Amy Klobuchar, Debbie Stabenow, Christopher A. Coons, Robert Menendez, Barbara Boxer, Tom Harkin, Richard J. Durbin.

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the nomination of Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board, 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 California (Mrs. BOXER),

the Senator from Ohio (Mr. BROWN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNS), and the Senator from Florida (Mr. RUBIO).

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 39, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Boxer	Cochran	Sanders
Brown	Johanns	
Chambliss	Rubio	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 39. The motion is agreed to.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. 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 Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance).

Harry Reid, Robert Menendez, Patrick J. Leahy, Martin Heinrich, Jack Reed, Dianne Feinstein, Tom Udall, Benjamin L. Cardin, Bill Nelson, Barbara Boxer, Thomas R. Carper, Edward J. Markey, Jeff Merkley, Sheldon Whitehouse, Jon Tester, Richard J. Durbin, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the nomination of Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Illinois (Mr. KIRK), and the Senator from Florida (Mr. RUBIO).

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

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 39, as follows:

[Rollcall Vote No. 358 Ex.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Boxer	Johanns	Sanders
Chambliss	Kirk	
Cochran	Rubio	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 39. The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, the two votes scheduled in the morning will be done by voice. The first vote is going to be at 2:30 p.m. tomorrow afternoon.

CLAY HUNT SUICIDE PREVENTION ACT

Mr. REID. Mr. President, shortly, the senior Senator from Connecticut, Senator BLUMENTHAL, will ask consent that the Senate take up and pass the Clay Hunt Suicide Prevention Act.

The reason Clay Hunt was used as a model for this situation we have is because of his outstanding record. And ''60 Minutes'' has done specials about him. He had two tours of duty. He was a marine who served in Iraq and Afghanistan and received the Purple Heart. He was a wonderful human being. He even helped out in Haiti after they had an earthquake. But he could not overcome what happened to him in his combat mission.

This issue is so important for our veterans. Since 7 a.m. this morning until 7 a.m. tomorrow morning, 22 veterans will have killed themselves. They commit suicide every day. They don't take weekends off. It happens 7 days a week. We need to stop this devastation—and that is what it is.

Suicide is very personal to me. As some of you know, my good dad killed himself. The heartbreak that is caused—the total loss and inability to understand—from a needless and preventable death of a loved one is hard to comprehend.

The Clay Hunt Suicide Prevention Act is bipartisan legislation. The bill passed the House last Tuesday.

I thank Senators MCCAIN and WALSH for their work on this veterans suicide issue. They have both introduced their own legislation to address this important issue—a Vietnam veteran and an Iraq veteran.

I commend Senator BLUMENTHAL for all of his efforts to get this important bill passed. We should not delay a minute more in passing this legislation. The bill is supported by an overwhelming majority of the Senate. We could pass it just like that if we could have cooperation. It is my understanding that there is only one Senator standing in the way.

Let's do what is right for our veterans one more time before we close the 113th Congress. Twenty-two veterans are dying by their own hand every day.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 5059

Mr. BLUMENTHAL. Mr. President, I am honored and proud to follow the majority leader, and I thank him for his remarks. I will make my remarks in support of my request for unanimous consent.

If there is an objection, in deference to the Senator from Oklahoma, I will withhold the body of my remarks until after there is an objection.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5059, the Clay Hunt SAV Act, which was received from House and is at the desk; and further, that the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

I will proceed at the conclusion of any remarks by the Senator from Oklahoma and the Senator from Ohio.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I will say that I recognize the honor of the Senator from Connecticut for his distinguished service in the military.

I didn't serve in our military. I was actually in college during the Vietnam war. I drew No. 354 on the lottery the week before I was to be drafted. I had two brothers who served—not in Vietnam—in the military. My father and both uncles served during World War II. My grandfather was awarded the Croix de Guerre, the highest honor the French give, for his work during World War I.

I will also state that, as a physician, I know suicide all too well. I have failed patients in the past even though I did everything I knew to do. Yet they still took their lives.

I have also experienced it personally in my own family. I know this issue. I also know what we did 3½ months ago—we passed the Veterans Choice Act, which I ultimately voted against because it didn't do what we promised the veterans we would do.

To this day Secretary McDonald has fired one person out of hundreds who should have been fired because we didn't give him the right authority on that day to hold the VA accountable.

I have treated patients with the demons that these young men and women have when they come back from war—the night terrors and the conflict that happens when they turn a corner and get a flashback of where they were versus seeing their wife and daughter. On top of that, they have the guilt that has built up, and they wonder to themselves, what is wrong with me?

Thirty-four percent of the people who are applying for mental health benefits today from the VA are getting seen within the appropriate time. Almost everything in the bill has already been authorized and approved with the $10 billion that we sent to the VA.

When every veteran—regardless of how long his hair is or how unshaven or how scraggly or how nice he looks—is greeted with a smile and a ''yes, sir'' or ''yes, ma'am,'' when they are treated with the respect they deserve at every veterans facility because they served and some of us didn't, that is when we know we have put the VA back on course.

My great colleague from Connecticut is going to be the ranking member on the VA Committee, along with JOHNNY ISAKSON from Georgia. I have a challenge for him. I am going to be objecting to this bill because it throws money out there and doesn't solve the real problem. I know most of my colleagues disagree with me on that, but I actually did the work.

I started a year before all the VA scandals started, and I documented nearly 1,000 deaths at the hands of lack of our oversight and the lack of us holding the VA accountable. People are going to make mistakes all the time, but we are the ones who have no excuse for not holding the VA accountable.

Our veterans deserve the very best. We cannot eliminate all of the tragedies that occur with war. Some of the most remarkable things happened during this bill.

I have a military liaison who had significant injuries as a result of serving this country. He got targeted by the veterans groups who wanted to pass this bill—talk about dishonoring a veteran. You are going after my MLA who served this country with distinction, who has had multiple operations because of his injuries and second degree burns in his service to this country. Nothing could be lower than that. That is politics at its worst.

So I believe in all my heart—I prayed all weekend. How do I answer this question? And the answer to the question is to do the hard work over the next year. Don't pass another bill. Hold the VA accountable. There should be a hearing every week on every aspect of every aspect of everything the VA does for the whole next 2 years so that they, in fact, will treat the people who put their lives on the line with the very respect, the very service that they so richly earned and we have spoiled because we undervalue it.

We have great employees at most of the VA facilities, but we have some stinkers. Until we change the attitude, until we hold the administration of the Veterans' Administration accountable, we will never change the attitude that our veterans aren't getting the very best. And they deserve the very best.

My heart breaks for the people who commit suicide. Do we know what it is? They find no relief anywhere else except death. There is no answer for them. We don't give it to them. We have failed them. I personally have failed them in my own medical practice. So they look at the only option that gives them relief from the tremendous pressure and tension they are experiencing.

I had a very close friend in the House whose son took his own life. We spent years building and loving that family to help them to deal with that loss. Catastrophic events, depression, and situations lead people to suicide—not any one individual. They are searching for an answer we have failed to give them. They are searching for the support and the nurturing and the love that needs to be there to say: I am going to mentor you and get you through this. That is where the VA has failed. That is where the military has failed. That is where we have failed.

Even the Veterans' Administration says everything in this bill has already been authorized. So what is it really about? It is about addressing an issue without addressing the issue. The real, hard work will come when, on C–SPAN, with me sitting in Oklahoma, I get to see DICK BLUMENTHAL and JOHNNY ISAKSON grilling every aspect of the VA to make sure they are top notch, they are putting their sacrifice on the line the same way our soldiers do. That is when we start changing things.

So, regrettably, I object to this bill, not because I don't want to help save suicides but because I don't think this bill is going to do the first thing to change what is happening. What is going to change what is happening is when we as Members of the Senate and the Congress start bearing down and creating the transparency that is necessary so that Americans can see that our veterans are getting everything they deserve and a ''yes, sir'' and a ''no, sir,'' a ''no ma'am,'' a ''yes ma'am,'' a smile, and a greeting, and when they interact with the VA, they leave there fulfilled and proud that they are a veteran.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to respond to the Senator from Oklahoma by, first of all, expressing my deep respect and appreciation for the work he has done to hold accountable the Veterans' Administration and many other agencies of our U.S. Government. In fact, he leaves a legacy of oversight that I will be honored to continue and I hope will continue through the Veterans' Affairs Committee.

The efforts of the Senator from Oklahoma to scrutinize government spending through individual and independent assessments, in fact, are addressed in this bill in section 2, which requires, in fact, an independent third party to annually evaluate the Department of Veterans Affairs to establish metrics, to identify the cost-effectiveness of programs, and to propose best practices. Holding the VA accountable is one of the core purposes of this bill.

I am asking that the Senate take up a bill that was passed unanimously in the House of Representatives and that is supported on a bipartisan basis by 21 of our colleagues, that is blocked by a single Member, and that will make an impact on the spreading scourge of suicides among some of our very bravest and best warriors. We don't know—it remains a mystery—how some of our most courageous and steadfast warfighters can stare down death on the battlefield and succumb to it at home by their own hand. Those demons, those inner doubts, the invisible wounds of war, post-traumatic stress and traumatic brain injury are taking their toll at the rate of 22 a day.

This measure is actually scaled back. It is targeted and focused to provide incremental benefits to those veterans who are at risk by providing additional resources—psychiatrists and counselors—by mandating accountability in the use of those resources. That is more than we did 3½ months ago in another measure I strongly supported.

I express my appreciation to our 21 colleagues who have supported this measure but also to the IAVA and the VFW, to the survivors of veterans' suicides across the country and their families, and the families who came before

us in the committee such as Susan Selke's, whose son, Clay Hunt, is in the name of this bill. Susan Selke urged us to pass this legislation that will provide for an independent and strong source of accountability, because she believes it is necessary to help others such as her son before they succumb, as her son did.

That kind of outside review to impose discipline on the VA is, as my colleague has said, absolutely necessary not only for the VA but for VA clinics and hospitals around the country. But we need more psychiatrists in those VA clinics and hospitals, and this measure will provide those resources, along with accountability.

In one of his most recent reports, my colleague from Oklahoma highlighted the appalling case of Dr. Margaret Moxness, and I thank him for that report and others he has authored.

Dr. Margaret Moxness, a former physician at the Huntington VA Medical Center in Charleston, West Virginia, said that when she reported patients who needed immediate mental health treatment, supervisors instructed her to delay care anyway. She saw at least two patients commit suicide while waiting for treatment between psychological appointments.

I share my colleagues' view that we cannot simply hire our way out of this problem. We have a nationwide shortage of mental health care professionals, and that is why this legislation, in section 4, grows a pool of psychiatrists through tuition assistance, and that is why in section 6 it requires the VA to collaborate with outside nonprofit mental health organizations to improve the efficiency and the effectiveness of suicide prevention efforts.

This scaled-back bill is a down payment. It is not the end of solutions to this problem. It is a worthwhile measure that takes limited, targeted steps. Much more can and should be done. It has been championed by Chairman SANDERS, and I thank him and Ranking Member BURR for their efforts in the Veterans Access, Choice, and Accountability Act. This job will not be done until we end every suicide—not just the 22 every day, but every one of those 22 every day in this country.

Every single one of us, if we are honest with ourselves, knows a family that has been touched by this problem—every single Member of this body. I know it all too well because a friend of mine, Justin Eldridge of southeastern Connecticut succumbed to suicide as well. He was deployed in combat in Afghanistan where he braved mortar fire and sniper fire, and he returned to his family, his children, and his wife—his very young family—suffering from traumatic brain injury and post-traumatic stress. As brave as he had been on the battlefield, he could not win that war at home. He sought mental health care at the Connecticut VA facility. He had gone through a long battle for benefits. I helped him with it. But there was a significant gap in the continuity of his medical care. Basically, he slipped through the cracks and eventually took his life.

I knew him as the founder of the Marine Corps League in southeastern Connecticut, which I was proud to join as a member. How he fell into that black hole of depression and despair I certainly will never understand. But I hope someone could have understood it if we had provided the kinds of resources that are necessary in Connecticut and around the country. We have an obligation to leave none of these veterans behind, to hold the VA accountable, to make sure the resources are well spent, to avoid duplication, but to reach out to those brave and fearless warriors who fight on our battlefields and defend our Nation, and then are threatened and sometimes lose the war at home to post-traumatic stress and traumatic brain injuries—medical conditions that can be overcome with the right care as soon as possible.

I hope my colleague from Oklahoma will withdraw his objection. I thank my colleagues for supporting this measure. If it fails this time, we will bring it back and we will win and leave no one behind.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. Mr. President, today the Senate had an opportunity to act and pass important legislation that will continue to address the crisis of veteran suicide. The numbers have been talked about. We are losing 22 servicemembers—veterans—each and every day across this country. Thousands of men and women each year are dying by suicide. If we were losing 22 of our servicemembers on the battlefield each and every day, the citizens of this country would be up in arms. The Members of Congress would be up in arms. We would be taking action to ensure that we were doing something about it. I recall when this body did take action, I was in Iraq, in Kuwait, getting ready to go across the border. There was the Secretary of Defense at that time who came over for a townhall meeting, and we talked about how poor the equipment was that our Reserve component members were being given to go across the border from Kuwait to Iraq. Shortly after that time, the Reserve component started to receive up-armored Humvees. The action this body took made a difference. Once the Reserve components started to receive up-armored Humvees—the same type of Humvee our Active-Duty counterparts are receiving—it did make a difference.

This body has an opportunity to take action. We have put over a million men and women into the VA health care system over the past 13 years, and we have not provided the resources our men and women in the VA need to take care of these men and women who have been put into the VA health care system.

When we talked about the fact that the VA health care system needs to do a better job, think about us not providing them with the resources they need to do their job. That is what this body is being asked to do—to provide the VA health care system with the resources and provide additional psychological health care providers in VAs all across our country so that the men and women who are coming back with psychological wounds of war can be dealt with.

When I introduced the first version of this important legislation back in March, I committed to use my time in office to bring attention to this issue. I thank all the Members of this body who have stood up and all the organizations that have come together and realized we have a problem. There are 22 men and women each and every day dying by suicide. We need to do something. We have done some things, but it is not enough.

It is a terrible disservice to millions of veterans and their families that this important bill has been blocked from passing because we are not doing everything we can do. Congress can't just thank our veterans. We hear each and every day on this floor and in the House how much we appreciate our veterans and how much we appreciate the men and women who are willing to sign on the dotted line, how much we appreciate their families for the sacrifice they make each and every day while our men and women are serving in Iraq and Afghanistan.

Our men and women who serve in the Armed Forces are willing to put their lives on the line for our freedoms and the things we enjoy each and every day across this country. We need to do more than provide lipservice from this Chamber about taking care of our men and women who sign and are willing to give their lives for this country and for those who have given their lives for this country.

As somebody who has seen the invisible wounds of war in the men and women under my command, I am deeply disappointed today that we haven't been able to pass this legislation and begin taking action to help our men and women who are contemplating dying by suicide.

One of the pieces of this legislation—right now when a young man or woman comes home, he or she can go to the VA, and they are taken care of for up to 5 years. Sometimes the wounds of PTSD or traumatic brain injury take longer than 5 years to surface. We need to continue to provide that service for up to 10 years or, in my opinion, for as long as these men and women are around and still living. Again, they were willing to put their lives on the line for this country. We need to be willing to take care of them for the rest of their lives, for those who were fortunate enough to come home from serving our country.

I am glad to see that Senator BLUMENTHAL will be around for the next Congress because I know he and other Members of this body will continue to fight to make sure our men

and women who served our country and who are suffering from the visible and invisible wounds of war will have someone here to fight for them because I know they will continue to carry on this message.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—H.R. 2126

Mr. PORTMAN. I ask unanimous consent that the energy committee be discharged from further consideration of H.R. 2126 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. PORTMAN. Mr. President, this is with regard to the energy legislation that passed the House and has four commonsense, simple provisions we hoped to be able to pass by unanimous consent tonight, and hopefully I will be able to convince my colleagues it is something that is good for American jobs, American business, and for energy efficiency. There are four or five speakers who would like to talk on this. What I would like to do, if I could, is ask them to begin the debate here and then I will wrap it up at the end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise in support of my colleague and my partner in this energy efficiency effort, Senator PORTMAN, to support his unanimous consent request that the Senate pass H.R. 2126, the Energy Efficiency Improvement Act.

I am disappointed to hear Senator COBURN's continued objection to this legislation and to energy efficiency measures. This bill is identical to a more narrowly focused energy efficiency bill Senator PORTMAN and I introduced recently in the Senate. It tracks closely to legislation we have been working on actually for 4 years, the Energy Savings and Industrial Competitiveness Act, also known as Shaheen-Portman.

The legislation before us, H.R. 2126, is really a shortened version of Shaheen-Portman. Unfortunately, as we know, the longer version, the energy efficiency act, has stalled twice on the Senate floor—not due to concerns about what was in the bill but because of disagreements over other issues that were related to energy but unrelated to our bill.

While we may not be able to pass the larger bill this session, the Senate still has an opportunity to pass meaningful energy efficiency legislation by passing H.R. 2126. This is bipartisan legislation that was introduced in the House by Representatives MCKINLEY, a Republican from West Virginia, and WELCH, a Democrat from Vermont, and passed the House earlier this year with overwhelming support from both sides of the aisle, 375 to 36.

That broad bipartisan support extends beyond Capitol Hill. It enjoys the support of business groups and environmental organizations and efficiency advocates who all recognize that energy efficiency is the cheapest, fastest way to begin addressing the Nation's energy needs. Supporters include everyone from the Natural Resources Defense Council, to the U.S. Green Building Council, to the U.S. Chamber of Commerce, and the Real Estate Roundtable. The list of businesses and organizations that have endorsed this bill numbers over 200.

This bill contains several provisions that will encourage efficient energy consumption, and as a result of this legislation, consumers and families will save money. The legislation will grow our economy, create jobs, and it will reduce pollution. It really is a win-win.

Even though it is not the longer version of energy efficiency legislation Senator PORTMAN and I have been working on for the last 4 years, it will do a number of things that are critical to address our energy needs.

First, it will create a voluntary, market-based tenant star program. This is modeled after the successful ENERGY STAR labeling program from building owners. It sets up a voluntary certification system for efficiency and commercial tenant spaces.

I see my colleague from New Hampshire Senator AYOTTE, who I think is going to speak to this provision in the bill.

I think it is important to remind people that what it does not do is provide financial incentives or create new regulations. It does not do that. It is a voluntary, market-based, business-friendly approach to encourage energy efficiency in commercial buildings. It also will establish a benchmarking and disclosure process for energy consumed in federally leased buildings, so we will all know how much energy is being consumed.

Third, it will require Federal agencies to implement strategies to increase the efficiency of data centers that are operated by the Federal Government—a huge user of energy.

Finally, it will remove a regulatory barrier to the manufacturer of large-scale water heaters. It is something Senator HOEVEN has been working on for a long time.

These four commonsense, targeted provisions are widely supported. As I said, they will grow our economy and help create jobs and demand for the American-made energy efficiency technologies. They will save businesses and families money on their energy bills, and they will cut pollution.

I am pleased to join Senator PORTMAN in this unanimous consent request, and I am disappointed that once again we are going to be prevented from moving forward with commonsense energy efficiency measures. I do hope that with the continued support on both sides of the aisle for energy efficiency, we will be able to come back before the end of this year and pass this measure.

Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, I wish to thank my colleague from New Hampshire for her leadership on this important legislation, and I join her request, as well as the Senator from Ohio, Mr. PORTMAN's request for unanimous consent on H.R. 2126 that passed the House overwhelmingly in March by a vote of 375 to 36. Why is that? Because this is commonsense, bipartisan legislation that creates jobs, increases energy efficiency, reduces the amount of energy we need to use, and less pollution—and think about our overall goals of making sure America remains safe, energy independent, and energy secure, and it does it all in a way that is market-based, in a way that you have seen overwhelming support from both the business community and the environmental community.

This House bill on which we are asking unanimous consent is a companion bill to the work done by Senators PORTMAN and SHAHEEN in the Energy Efficiency Improvement Act, of which I am proud to be a cosponsor. This is an area where I believe we can find strong common ground in this body—energy efficiency measures that are market based, that move us forward to use less energy and create American jobs.

Within this bill is a provision called the Better Buildings Act, which I was proud to introduce with Senator BENNET from Colorado, and this is commonsense, no-cost legislation that would help boost energy efficiency in commercial buildings through the design and construction of efficiency improvements in leased tenant spaces in commercial buildings. So one of the important pieces of this legislation that is contained in the Better Buildings Act actually brings the tenants into the discussion. It is voluntary. It creates a situation where we have tenants and owners working together to reduce energy costs, save us money, and create jobs.

So I am hopeful that this bill will be cleared, this legislation. If you look at the list of groups that are supporting this legislation, it is not often that these groups all come together, and it really speaks to the commonsense nature of this legislation, the importance of it.

I, again, want to thank my colleagues for their leadership, especially Senator SHAHEEN and Senator PORTMAN. I hope as a body we can get this done because this is just plain common sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I too want to join in the unanimous consent that has been raised by my colleagues Senator PORTMAN and Senator SHAHEEN on this very important bill. I have to say it feels a little bit like instead of calling it the energy efficiency bill, we need to call it the groundhog day bill because it just keeps coming back. It is a measure that, as my colleagues have mentioned, is so commonsense. When we think about ways that we can do more to be responsible stewards of our energy resources and do more to reduce our costs, energy efficiency is just calling to us all.

What we have in front of us today is not the full-on energy efficiency bill that Senators SHAHEEN and PORTMAN have been working so diligently on for so many years now, but it is a slimmed-down version coming across from the House, a House-drafted, Republican-sponsored, cost neutral bill that passed that Chamber on suspension back in March, as was noted, by an overwhelming margin of 375 to 36. There are four major provisions in the bill, but none of these provisions are controversial. Probably the most important to us right now is the time-sensitive provision that provides regulatory relief for our rural electric co-ops. Under a consent decree from 2010, water heater manufacturers have until just mid-April—April 16—of this next year to meet revised minimum efficiency standards from the Department of Energy.

So you have got a situation where, in anticipation of this deadline, companies that make certain types of water heaters are already stopping their production. As a result, you are going to have co-ops that will effectively no longer have the ability to purchase them and use them in their systems. So they are coming to us and saying, ''Help.'' We need to have some certainty here and now.

What we do in this measure—what the House does is simply exempt rural co-ops and creates a different, achievable standard for them. It is a compromise that has been forged by the co-ops, the industry, the Department of Energy. Senator HOEVEN has been leading on this and has been great. This is something that needs to be addressed and it needs to be addressed now rather than later.

The remaining provisions within this measure are all voluntary efficiency programs. One focuses on the efficiency of commercial office buildings, another provides greater information about energy usage in the buildings, and then the third looks at energy-efficient government technology and practices.

Again, none of these are controversial. None of them impose mandates, penalties, or taxes. CBO has deemed them to cost nothing. So there is only benefit. There is only an upside. So, again, we have seen the full-on energy efficiency measure before us now two separate times on this floor. We have reported that bill from the energy committee on a strong bipartisan basis.

We really should be moving to do right when it comes to energy efficiency. Senators SHAHEEN and PORTMAN have led that effort. The House has now acted. It is unfortunate that we will not be able to resolve this. But I am certainly committed to working with my colleagues in the new year to advance what, again, is just simple common sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I would like to thank the Senator from Alaska for her leadership of our energy committee on this and many other important energy issues. I want to follow along with much of what she just covered and why it is important.

In this legislation, which is sponsored by Senator PORTMAN and Senator SHAHEEN, there are a number of energy efficiency measures. But the one she emphasized and the one which I want to emphasize is the water heater efficiency provision. This is a commonsense provision. It is very important for people in rural areas across the country.

The rural electric cooperatives have been very strong on working to get this legislation passed. They have gotten it passed in the House on behalf of all of those people out there in rural America where this can make a real difference in terms of quality of life, but at the same time save energy and save money. So it is one of those measures where everyone wins all the way around.

We have sponsored this in a number of different forms. We have not been able to move it through the Senate yet. We will, I am convinced, move it through next year. But as the good Senator from Alaska said, there are some timelines here that make it very important that we get the measure passed.

Essentially what we are dealing with is in 2010, the Department of Energy issued a rule on water heaters that will effectively ban the manufacture of large electric water heaters beginning in 2015—so next year—which could greatly affect consumers in rural areas and hurt the effectiveness of some of our demand-response rural programs.

Many of our rural areas are not serviced by natural gas, and geothermal water heaters can cost many thousands of dollars. So this is a practical win-win amendment that improves the efficiency of electric water heaters but still lets our rural areas have access to affordable, efficient water heaters that can supplement renewable energy.

Electric cooperatives and other utilities have voluntary demand-response programs that use electric water heaters to more effectively manage power supply and demand. In those areas where renewables are part of the electric generation system, those water heaters facilitate the integration of renewable energy that can be stored for use during peak hours, like wind and solar energy.

So this provision would allow the continued manufacture of large grid-enabled electric resistance water heaters only for use in electric thermal storage or demand-response programs, meaning you are using offpeak load. So you are using lower cost energy, energy that otherwise would be lost. So, again, it really is a win for everybody involved.

This provision would require grid-enabled water heaters to have a volume of more than 75 gallons, be energy efficient, and work on grids that have a demand-response program. It is that simple. It is that straightforward. It is that commonsense.

But it affects a tremendous number of people across rural America, people in States such as Indiana, North Dakota, Ohio, across the country. I am convinced we are going to get this. The issue is when. We are facing this timeline, as I say, in 2015.

I will conclude with some of the organizations that support this legislation. I do not know of anyone opposing it. We have got a tremendous number of organizations that support it, including the Air Conditioning, Heating, and Refrigeration Institute, the American Council for an Energy-Efficient Economy, the American Public Power Association, Edison Electric Institute, the General Electric Company, National Rural Electric Cooperative Association, the National Resource Defense Council, the Northwest Energy Alliance.

The bill saves money, it saves energy, it benefits the environment, it benefits consumers. Look, we need to get it passed. This bill on the floor easily gets more than enough to pass on a bipartisan basis with flying colors.

I would certainly yield the floor to our leader on this important issue, the good Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleague from North Dakota. He has done a great job of talking about the importance of the overall bill, and then these four small provisions we are trying to do tonight. But specifically he made a great point about the importance of dealing with this water heater issue. He feels it every day, because in North Dakota he is hearing from his rural electric co-ops saying: This is crazy. Why would we not go ahead and pass this legislation?

In effect, what he just said was: We need to pass this legislation to be able to keep the Federal Government from imposing a regulation that makes no sense for anybody, whether you believe in energy efficiency or not. It makes no sense for anybody.

I am hopeful we can get this done. I know we had an objection earlier in the

process this evening. I am hopeful we can convince the colleague from Oklahoma who objected that this is commonsense legislation that has to get passed.

We have heard from Senator SHAHEEN also, who has been the Democrat leader on this with me. We also heard from the chairman of the energy committee come January, Senator MURKOWSKI, a Republican from Alaska. She is a strong supporter. We have heard from Senator AYOTTE, also a Republican from New Hampshire, who is an expert on energy efficiency as it relates to what is called Tenant Star and better building programs. This is one thing that we ought to be getting done here during this lameduck session of Congress. We are doing other things that I think could be improved, but this is one where it is so simple.

Just to be sure people understand what we are talking about tonight, these are four provisions that have all passed the Senate committees, have all passed the House committees—unanimously, by the way, these four provisions passed unanimously in the Republican House of Representatives. It has come to the floor twice here in the Senate.

For other reasons which had to do with process and not allowing amendments, the overall bill was objected to, but not these four provisions. Then these four provisions went to the House floor for a vote. They were passed overwhelmingly 375 to 36. This is the sort of legislation that has been fully vetted. Everybody knows what is in it. It is being supported across the spectrum. We could help people right away.

There is also an urgency here, because these manufacturers that are making these water heaters that the Department of Energy, under their regulations, wants to prohibit, those manufacturers are telling us the deadline is right now. Even though it is not until March-April that the regulations have a deadline, the manufacturers are already stopping production of these water heaters because it takes that long to get them manufactured and get them distributed out to those rural co-ops.

It is urgent that we do this now and not wait until January. If we do not, we are going to hurt a lot of consumers and we are going to hurt a lot of these rural electric co-ops, and again do something that makes no sense. You want to encourage these water heaters to be built, because these water heaters are part of a program where, because they are not used during peak times, called the demand-response program, they actually save energy. This is a good thing. I am hopeful that provision will be able to get through, along with the others.

This is a bill, again, that has already passed the House, unanimously out of committee, overwhelming vote on the floor. All we have to do tonight is say yes and it goes to the President for his signature. The administration has indicated they will sign it. It will then become law.

There are three other provisions we should also talk about. One is called the Tenant Star provision. It was talked about a little bit earlier tonight. Let me be sure people understand what it is.

Some of you are aware of a program for appliances called ENERGY STAR. That is so you, as the consumer, can go into an appliance store and determine whether something meets the standard, the Good Housekeeping Seal for energy efficiency. When we bought a dryer recently, that was nice to be able to know whether it had the stamp of approval. Some people like energy-efficient appliances. Why? It saves you money. It is also good for the environment. So that is not a mandate. It is not a tax incentive. It is not a grant program. It contains no regulatory authority. There is nothing in it that requires any new spending. But it does give a boost and a powerful branding opportunity to commercial real estate owners to market their buildings to tenants, investors, and other key audiences. It says, just as the appliance Good Housekeeping Seal says, it says to a business owner: This tenant space is efficient. It meets the Tenant Star requirements. That is why this provision is so strongly supported by the commercial real estate industry, organizations such as the Real Estate Roundtable, the International Council of Shopping Centers.

By the way, the industry considers this provision as an important alternative to onerous regulations. They like this because this is voluntary. As consumers, we should all like it, because it is something that gives us more information to be able to make a good decision.

The third provision we are talking about tonight has to do with the Federal Government. Let me make this very clear. The Federal Government is the biggest user of energy in the world, and one of the most inefficient, unfortunately. So the Federal Government said: Everybody needs to be more focused on energy efficiency.

As I looked at this, we ought to get the Federal Government to practice what it preaches. That is what this provision does. It does it with regard to information technology. We hear constantly from outside groups that this is one area that is ripe for savings. In other words, there are lots of energy savings that could be accomplished in the energy area through information technology being used more efficiently.

We have had hearings on this, had testimony on this. We know this is an area where we can have a lot of savings. This would require the Federal Government, again, to coordinate with the Office of Management and Budget, with the Department of Energy, with EPA, to develop an implementation strategy that includes best practices, measurements, verification techniques for the maintenance of IT, the purchase of IT, the use of energy-efficient information technology.

There is so much more we can do here with regard to IT. We know that. That is why it passed the House unanimously in committee and overwhelmingly on the floor, because we know this is an area where the Federal Government—your tax dollars being spent can be much more efficient, good for the environment, good for taxpayers, less energy, and overall good for our energy policy in this country.

Finally, the fourth provision. Remember, four simple provisions have to do with an existing requirement that commercial buildings leased by the Federal Government have to disclose their energy usage. This modifies that provision. It says you have got to provide more information with regard to what the actual energy usage is in these buildings.

Again, the Federal Government—recall, largest energy user in the world—to make them more efficient with regard to their buildings makes all the sense in the world. These are commercial buildings leased by the Federal Government. So, again, this is not a mandate on the private sector. This does not cost anything. It does say that we need to modify the requirements of commercial buildings leased by the Federal Government to disclose their energy usage data.

This would help all of us. These are commonsense proposals. They are bipartisan. They are long overdue. They can go to the President after a vote tonight for his signature. They could become law.

I want to thank everyone who has been involved in this small bill, getting it to the floor, including Senator MURKOWSKI, whom we heard from earlier, who is the ranking member, soon to be Chair of the energy committee; also Senator LANDRIEU, the current Chair of that committee. Also Senator AYOTTE we heard from, Senator SHAHEEN, Senator HOEVEN, Senator BENNET were on the floor earlier to speak on this issue.

I want to thank the many industry groups, the businesses, the energy efficiency organizations out there that have helped us to craft legislation with such broad support.

The least expensive energy is energy we don't use. Yes, we should produce more energy. I am for that. We should also use the energy we have more efficiently. It helps create jobs. It helps make our country safer because it is a national security issue to make America energy independent.

It ensures that we will have a better environment, and it ensures that every dollar a small business or manufacturer is spending on energy is used most efficiently. It makes us more competitive in this global economy we find ourselves in. That leads to more jobs, higher wages, all the things we should be doing in this Congress.

I thank the Presiding Officer for listening tonight. I thank the American people for listening, and I hope they

will strongly support the legislation we are putting forward tonight and the broader bill that will come to the floor we hope after the first of the year, because after the first of the year we will have a chance to take up this issue, not only these four provisions if they aren't passed over the next couple of days but a broader bill that will be broadly supported by Republicans and Democrats alike that will help our country become more energy efficient.

I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALSH. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

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

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

TRIBUTES TO DEPARTING SENATORS

CARL LEVIN

Mr. LEAHY. Madam President, on first glance, one might not think that Michigan and Vermont share much in common. But to delve deeper is to see that both States have deep roots in their rural populations, strong agricultural bases, and stunning natural landscapes. Senator CARL LEVIN has represented the people of Michigan in the U.S. Senate since 1979. He is one of this Chamber's most senior Members and one of the longest serving Senators in history. He has cast more than 12,500 votes on behalf of his constituents.

Senator LEVIN has worked to ensure that the lakes of Michigan will be clean and safe for generations of Michigan residents to come. He has sponsored legislation to protect and restore the Great Lakes and their abundant wildlife habitats and secured millions to bring Michigan's lakes back to their natural pristine glory, and he has supported the Great Lakes Fishery Commission, which has supported the Great Lakes, Lake Champlain, and international waterways.

As chairman of the Senate Armed Services Committee, Senator LEVIN has been a powerful force in crafting our Nation's defense policy, particularly in the post-9/11 era. The battlefield has been vast, and his support of our troops has never wavered. He has consistently worked to ensure that the brave men and women serving in uniform have the support they need to keep our Nation and our allies safe. He and I shared reservations about launching a war in Iraq, reservations that have proven sound.

I was particularly moved by Senator LEVIN's strong support—and steadfast leadership—in advancing the Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act. That measure ultimately became law in 2009, in large part to Senator LEVIN's commitment to ensuring its inclusion in the National Defense Authorization Act. This Federal hate crimes law took years to achieve. At a time when it may have been easier to push a final vote down the road, Senator LEVIN worked with me to ensure that it was considered by the Senate and then upheld through a conference committee. This alone would be a remarkable achievement, but Senator LEVIN's Senate career boasts many achievements.

I have also been honored to work with Senator LEVIN to reaffirm our Nation's commitments to those citizens of the world who, persecuted, oppressed and stateless, look to our country for protection. He has been a voice on behalf of displaced Iraqis and Syrians, and a dependable cosponsor of my Refugee Protection Act.

From protecting America's waters to crafting America's actions abroad, Senator LEVIN has been a powerful and invaluable presence in the Senate. He heads now into retirement, where I know he and Barbara will enjoy spending time with their three wonderful daughters and beautiful grandchildren. Marcelle and I wish him and Barbara the very best in this new chapter. I will miss him.

TOM HARKIN

Madam President, Senator TOM HARKIN and I came to Washington in the same year—TOM, to the House of Representatives, and I, to the Senate. For nearly 40 years, he has represented Iowans with the even temper and strong commitment that has become a hallmark of his tenure.

Senator HARKIN has been a leading defender of rights for persons with disabilities, anchored by the landmark law he authored, the Americans with Disabilities Act. Inspired by the challenges faced by his own deaf brother, HARKIN led a crusade to enact this historic legislation, ensuring that individuals living with disabilities could not be discriminated against because of those disabilities. The ongoing effort to protect and support Americans—and people around the world—living with disabilities, has become a cornerstone of Senator HARKIN's career.

As chairman of the Senate Committee on Health, Education, Labor and Pensions, HELP, Senator HARKIN has helped create a new model of health care, one focused on prevention and health rather than reaction and sickness. He was one of the leaders in crafting the Affordable Care Act, giving millions of Americans better access to health care. He has continually fought for the missions of and the funding for the Centers for Disease Control, the National Institutes of Health, and the Food and Drug Administration.

I have worked with Senator HARKIN on a number of matters, from international human rights to critical funding for breast cancer research. Senator HARKIN and I have worked together in our shared commitment to America's farmers and farming, an industry that it so critical to both our States. Together we have worked to increase conservation funding, promote water quality, and protect the environment while supporting our family farmers.

TOM HARKIN is a lifelong Iowan. He and his wife Ruth have given decades in public service representing the people of Iowa. I want to congratulate him on an accomplished career and wish him, Ruth, their wonderful children and grandchild all the very best.

JAY ROCKEFELLER

Madam President, for nearly 30 years, West Virginians have elected JAY ROCKEFELLER to represent them in the U.S. Senate. When he retires in January, he will leave a record of tireless service on behalf of West Virginians and all Americans.

Senator ROCKEFELLER ranks among the champions of affordable health care. He coauthored the Child Health Insurance Program, CHIP, a program I have also been proud to support, which provides health care coverage to more than 6 million children each year, who would otherwise be uninsured. A former chair of the Veterans Affairs Committee, he authored legislation to improve care for our Nation's heroes. He was instrumental in the creation of a commission on long-term care to look for solutions to a lack of essential long-term medical support for millions of Americans. With Ted Kennedy, he led the charge for health care reform in the Senate in the 1990s. The list of achievements goes on.

For nearly 50 years, Senator ROCKEFELLER has served the people of West Virginia as a State representative, a secretary of state, a college president, a Governor, and, for the last 30 years, as a U.S. Senator. He is a dear and valued friend. I wish JAY and his wife Sharon the very best as he retires from the Senate.

TIM JOHNSON

Madam President, the senior Senator from South Dakota, TIM JOHNSON, is as fine a public servant as I have known. These are words I have used before about Senator JOHNSON. As he approaches his retirement from the Senate, they are as true now as ever before.

Senator JOHNSON embodies the traits of a dedicated public servant. He represents South Dakotans with every fiber of his being. He is the great-grandson of a homesteader who settled in South Dakota when it was still a territory. And he has never lost sight of the interests of the constituents he has served in Congress for more than 25 years. Never one to rest on the job, he introduced more legislation in his freshman term than any of the almost 60 new Members of Congress that term.

Vermont and South Dakota share similar rural challenges, and in Senator JOHNSON, I have found a partner in such efforts as protecting rural schools and giving them a voice in national competitions like Race to the Top. He and I share a strong commitment to supporting small family farms, an effort he has been recognized for by the National Farmers Union and others. Through the Appropriations Committee, Senator JOHNSON has been a stalwart defender of our Nation's veterans, and through his chairmanship of the banking committee, he has fought for middle-class families with steadfast diligence.

Senator JOHNSON has faced no shortage of challenges in his life. But with his wife Barbara by his side, he has met all of these challenges with determination and with grace, and he remains a fierce defender of South Dakota and a friend. As he retires from the Senate, I wish him, Barbara, his children and grandchildren and his entire family all of our best wishes.

MARY LANDRIEU

Madam President, for nearly 20 years, Louisianans have had no greater advocate, and no stronger voice, than that of MARY LANDRIEU. She has been a crusader for her State, and even today continues to fight to build on Louisiana's recovery from the devastating storms of 2005 that wreaked havoc across Louisiana and throughout the city of New Orleans.

It was in 2005 that Hurricanes Katrina and Rita ravaged the gulf coast, devastating New Orleans. Then in 2010 the Deepwater Horizon oilspill sent millions of barrels of oil into the gulf, coating Louisiana's beaches and wildlife. During these terrible times Louisiana could have had no better advocate than Senator LANDRIEU. After Katrina, Senator LANDRIEU secured more than $120 billion in recovery money to help restore New Orleans and Louisiana's coast. After the Deepwater Horizon spill, Senator LANDRIEU worked tirelessly with both Democratic and Republican colleagues to move the RESTORE the Gulf Coast Act through the Senate. Her leadership secured essential reparations from British Petroleum to restore the battered gulf coast.

In 2009, Senator LANDRIEU and former Senator Olympia Snowe made history as the first two female lawmakers to lead a full congressional committee—the Committee on Small Business and Entrepreneurship—as chair and ranking member. Senator LANDRIEU is also the first female Senator to chair the Senate Energy and Natural Resources Committee.

She has been an active member of the Senate Appropriations Committee, and I have appreciated her willingness to work with me on so many issues in her capacity as the chair of the Homeland Security Subcommittee. When Vermont was devastated by Hurricane Irene, Senator LANDRIEU was a key ally in helping me secure needed resources to help rebuild roads, bridges, businesses, and communities in Vermont. I thank her for that, Vermonters thank her, and I will never forget her invaluable work and support.

Louisiana has been well represented by Senator LANDRIEU. She has been a steadfast and stalwart defender of her State's priorities and needs. I wish her, her husband Frank, and their entire family the very best.

MARK PRYOR

Madam President, since 2002, Senator MARK PRYOR has been a dedicated representative in the U.S. Senate for the people of Arkansas. Throughout his career he has carried on a strong family tradition of service. I worked alongside his father, Senator David Pryor, for nearly 20 years. Both father and son are two of the finest public servants I have known. Their conscientiousness and their decency are but two of the many distinguishing features of their work in this body.

Throughout his tenure here, MARK PRYOR has been a fierce defender of and advocate for rural communities, a commitment both he and I share. He has promoted expansion of rural broadband infrastructure to ensure that families, farmers, businesses, and students in even the most rural communities in Arkansas, in Vermont, and across the Nation have access to the World Wide Web. As the chairman of the Appropriations Subcommittee on Agriculture, he has been a partner of mine in working to ensure that farms small and large have the resources and support to maintain and contribute to the rich agricultural history of the Nation. We have also worked together to advance key conservation programs to help protect farmlands across the country.

I have also greatly admired Senator PRYOR's commitment to the National Guard. As cochair of the Senate National Guard caucus I have seen how active and effective he has been as a caucus member and as a valued ally in our bipartisan efforts to protect, defend, and bolster resources for the men and women of the National Guard.

In the day-to-day work of the Senate, I will miss Senator PRYOR's insight, his evenhandedness, and his friendship. He has been a passionate voice in the Senate for the people of Arkansas. I wish him and the entire Pryor family all best wishes in the years ahead.

MARK UDALL

Madam President, for nearly 20 years in Congress, MARK UDALL has represented the people of Colorado with commitment and courage. He is a dedicated public servant, whose drive and responsibility to the people of Colorado will not wane with his retirement.

An experienced mountaineer and proud environmentalist, Senator UDALL has spent weekends exploring and enjoying the great outdoors, and his weekdays protecting them. He has authored legislation to create wildlife refuges and preserve wilderness in Colorado. He is also a leader in renewable energy, helping his home State adopt a renewable electricity standard and working to bring a similar innovation to the national stage.

Senator UDALL has worked hard to bridge the partisan divide during a period of unprecedented polarization. Many of the bills he has authored have enjoyed wide bipartisan support, including proposals to reauthorize NASA and to protect public lands. He was one of the Senate's newest Members when he successfully called on Republicans and Democrats to sit together in a show of national unity at the 2011 State of the Union, following the tragic shootings in Tucson, AZ.

Senator UDALL has been a tireless advocate for the protection of civil liberties. His work on the Senate Intelligence Committee has been focused on protecting the privacy and civil liberties of all Americans, a commitment that I strongly share. His departure will be a loss to the work of the Intelligence Committee.

MARK UDALL comes from a family with an uncommon history of public service. Though Senator UDALL is retiring from the Senate, I know this service will continue. I wish him, his wife Maggie, their children and their entire family all best wishes as they begin their next chapter.

KAY HAGAN

Madam President, back when I was in law school, I tried to get an internship here on Capitol Hill, with no luck. Senator KAY HAGAN has a different story. She first walked these Halls as an intern in the 1970s.

Her tenure here in the Senate has been too short, but she has represented her constituents in North Carolina with vigor and dedication. She has been a tireless advocate for women and children and was a key ally in my efforts to reauthorize the Violence Against Women Act in 2013. I have long felt that she has placed conscience above politics. She has shown a willingness to take tough votes on difficult issues, from LGBT rights to gun safety.

Senator HAGAN comes from a strong military family. North Carolina has one of the highest per capita enlistment rates in the country, and Senator HAGAN has understood that behind every officer, behind every enlisted member of the military, is a family that needs our appreciation and support. She was an active partner in our efforts to strengthen the National Guard, and she authored such important legislative initiatives as the Hire a Hero Act.

After decades of public service, I know that North Carolina can expect more service from Senator HAGAN. I wish her, her husband Chip and their wonderful daughters the best.

MARK BEGICH

Madam President, Senator MARK BEGICH comes from a long line of public servants. In his 6 years in the U.S. Senate, he has been a strong advocate for the people of Alaska. Senator BEGICH has worked tirelessly to promote Alaska's economy and business. During his

Senate tenure, he has been a partner on such issues as voter protection, the USA PATRIOT Act and FISA reform, and empowering the National Guard.

Alaska has more veterans per capita than any other State. As a member of the Senate Committee on Veterans' Affairs, Senator BEGICH has fought to improve veterans access to care, increase funding for the VA, and for research to better understand mental illnesses such as post-traumatic stress disorder, PTSD, and traumatic brain injury, TBI. These are priorities I share as well. He has also worked through the commerce committee to ensure that Alaska's many fisheries and their booming industry remain sustainable. His commitment to his constituents similarly extended to his work on the Senate Indian Affairs Committee, where he fought to protect native voters from discrimination and to ensure that laws reflect and respect their needs and traditions.

I have appreciated the opportunity to work with Senator BEGICH on some of the unique challenges that face rural states like Vermont and Alaska. Senator BEGICH has consistently worked to improve rural schools through legislation such as his Investing in Innovation for Education Act, which I was pleased to cosponsor and which would have given 25 percent of its grants to rural schools. Senator BEGICH has supported legislation to facilitate rural Alaskans' access to quality health care. And he has supported measures to address the high heating costs facing our northern constituents.

He is a man with an unfailing optimistic outlook on life. I wish Senator BEGICH, his wife Deborah, their young son Jacob, and his entire family best wishes.

JOHN WALSH

Madam President, Senator JOHN WALSH has served but a brief time in the Senate, but he came to this body with a long history of public service. A decorated veteran, he enlisted in the Montana National Guard in 1979, and he rose through the ranks, ultimately being selected as Montana's adjutant general. He is the first veteran of the Iraq and Afghanistan wars to serve as a Senator, and during his tour of duty, he earned the Bronze Star, the Legion of Merit, and the combat infantry badge.

As a Senator, JOHN WALSH has been a strong advocate of mental health care for veterans, preserving native languages, and bringing outsourced jobs back to the United States. As cochair of the Senate National Guard Caucus, I recognize and greatly appreciate his deep understanding and strong support for the Guard, its needs, and its future.

I wish him, his wife Janet, and their children and grandchild all the best in the next chapter of their lives.

SAXBY CHAMBLISS

Madam President, in Senator SAXBY CHAMBLISS, Georgians have had a diligent voice in Congress for nearly 20 years. We may not always agree, but I have appreciated his willingness to cross the aisle on such important issues as budget priorities and agriculture policy.

Senator CHAMBLISS is the former chairman and ranking member of the Senate agriculture committee. In his time in Congress, Senator CHAMBLISS has participated in enactment of four bipartisan omnibus agriculture bills, the most recent of which is the 2014 farm bill. He played an important role in reforming the Crop Insurance Program and has been an advocate for supporting the Nation's agricultural sector. I have particularly appreciated his support for critical conservation and forestry programs.

Senator CHAMBLISS was recognized as a key legislator in the 2011 discussions surrounding deficit reduction. He has been an active member of the Senate Armed Services Committee and a strong supporter of the National Guard. Through his tenure, he has been a steadfast representative for the people of Georgia, and one prominent publication in the State gave him the title ''Georgian of the Year'' in 2009.

Senator CHAMBLISS will retire at the end of this Congress, and I wish him, his wife Julianne, their children, and grandchild all the very best.

TOM COBURN

Madam President, while several Members of this Senate class will be retiring this year at the end of their terms, another Senator will also be taking his leave of this Chamber, in the midst of his current term. For a decade, Senator TOM COBURN has represented his constituents in Oklahoma with steadfast dedication and perseverance. He and I have not always agreed, but I have always respected and admired his commitment to his principles.

Senator COBURN has built a record and reputation as a fiscal hawk, reminiscent in some ways of the role that the late Senator Howard Metzenbaum of Ohio assumed for many years in the Senate. Senator COBURN can be a tough bargainer, and sometimes he has chosen not to seek or accept compromise at all. But he also has shown the ability to work across the aisle, whether on reducing government spending or promoting transparency in government. In the first Congress in which he served in the Senate, he partnered with then-Senator Barack Obama and others to author the Federal Funding Accountability and Transparency Act, which established a public, online database detailing Federal spending. For many years he served as an active member of the Senate Judiciary Committee, where we worked together on such policy issues as patent reform, copyright protections, and support for law enforcement.

Senator COBURN is a longtime public servant for the State of Oklahoma. Members retire from Congress for a host of reasons, and I know Senator COBURN's retirement has been hastened. He has left his mark on this institution, and I wish him, his wife Carolyn, their three daughters and their grandchildren good health and all the best in TOM COBURN's retirement from the Senate.

MIKE JOHANNS

Madam President, it is not uncommon for Senators to leave this Chamber to serve in Cabinet positions. Senator MIKE JOHANNS, however, brought that executive branch experience with him when he was elected by the people of Nebraska to represent them in the Senate. A former mayor, Governor, and U.S. Secretary of Agriculture, Senator JOHANNS has served at every level of government.

While we have often supported competing proposals, we have found important and meaningful places to work together. Senator JOHANNS joined me in coauthoring legislation to improve the Food for Peace program, helping to feed an additional 200,000 people in dire need. Serving on the agriculture committee together, we are both committed to farming, family farming, and supporting our Nation's agriculture sectors and the people and communities that are part and parcel of farming and food production in America. Senator JOHANNS has also been an important advocate for veterans, working on programs to help returning soldiers find civilian employment.

I wish Senator JOHANNS, his wife Stephanie, and their family the very best in this next chapter of their lives.

MURTHY NOMINATION

Mr. BROWN. Madam President, I wish to congratulate Dr. Vivek H. Murthy on his confirmation as the 19th Surgeon General of the United States.

Earlier today, the U.S. Senate held a series of votes in order to confirm Dr. Vivek H. Murthy as Surgeon General of the United States. The first vote was held to invoke cloture on his nomination, the second to confirm. Dr. Murthy was successfully confirmed by a vote of 51–43.

My flight from Cleveland to Washington, DC was delayed causing me to miss both votes. Had I been present, I would have voted to support Mr. Murthy's nomination.

President Obama nominated Dr. Murthy for this position last November. Dr. Murthy's extensive experience as an entrepreneur, health professional, and public health advocate make him an exceptionally well qualified candidate for Surgeon General. Although I was unable to make it to DC in time to vote to help confirm Dr. Murthy, I would have voted to support his confirmation.

Dr. Vivek H. Murthy will be an exemplary Surgeon General, and it is for this reason that I wrote to President Obama asking that he nominate Dr. Murthy for this position. His long record of innovative business leadership and unwavering belief in a more inclusive health care system advance our Nation's public health agenda.

I look forward to working with Dr. Murthy in his role as Surgeon General.

VOTE EXPLANATION

• Mr. RUBIO. Madam President, due to previous commitments in Florida today, I was unable to cast the following four votes:

Motion to invoke cloture on the nomination of Dr. Vivek Hallegere Murthy to be U.S. Surgeon General, as well as a final vote to confirm him. On both occasions, I would have voted no. I oppose Dr. Murthy's nomination because he has never served in the uniformed services, and one of the primary duties of the Surgeon General is to command the entire Commissioned Corps of uniformed public health officers. I am opposed to his advocacy efforts to weaken the constitutional rights of law-abiding Americans as enshrined in the 2nd Amendment to the Constitution;

Motion to invoke cloture on the nomination of Daniel Santos to be a Member of the Defense Nuclear Facilities Safety Board. I would have voted no; and

Motion to invoke cloture on the nomination of Frank A. Rose to be an Assistant Secretary of State. I would have voted no.•

OMNIBUS APPROPRIATIONS BILL

Mr. GRASSLEY. Madam President, I wish to clarify my understanding of the following report language included with H.R. 83, the Omnibus Appropriations Act:

The Secretary is directed to operate the marketing assistance loan program in a way that encourages redemption and minimizes forfeitures of loan commodities to the Federal government, and enables the orderly marketing of loan commodities throughout the year. Further, the Secretary shall ensure that the marketing assistance loan program remains a viable tool for all producers to use in marketing loan commodities freely and competitively.

The Senate Agriculture Committee has confirmed this language simply intends to encourage USDA to better inform farmers of the status of any marketing loan gains they may receive during a marketing year for eligible commodities.

Furthermore, it was also conveyed by minority staff of the Senate Agriculture Committee that the referenced language in no way seeks to change implementation or enforcement of Section 1603 of the Agricultural Act of 2014.

• Mr. WYDEN. Madam President, I wish to thank Chair MIKULSKI for her tireless work in keeping our government open for another year. I understand Chair MIKULSKI and Ranking Member SHELBY have worked hard on this bill.

In the big picture, this bill continues to honor our commitment to our veterans by allowing advance funding for Veterans Administration accounts so they are locked in a year in advance, ending uncertainty. This bill also provides desperately needed funds to respond to and prepare for Ebola at its epicenter. This bill keeps faith with the American people who dream of a better life by increasing Pell Grants and making college more affordable. It creates jobs by strengthening our infrastructure, building roads and bridges, to keep the economy moving, and helps develop our economy by investing in research in agriculture, health, and geosciences, among other areas.

I am glad that the Collaborative Forest Landscape Restoration Program was fully funded at $40 million. The program is one of the successes in collaboration and forest management and deserves strong support. The Land and Water Conservation Fund—LWCF—also received sustained funding at the same level as last year. Although this is only one-third of the total authorized for LWCF, I am pleased that the program received consistent funding and I remain hopeful that we will fully fund this program in the future. I am also glad that the National Park Service received $10 million for the Centennial Challenge. As the National Park Service moves into celebrating its centennial, it is so important that our parks receive the care and attention they need.

However, I also have to voice my disappointment over a number of provisions included in H.R. 83, as well as several provisions that were blocked from inclusion in H.R. 83. Keeping the government running is imperative but it should not come at the cost of stripping the rights of voters, further chipping away at what is left of our eroding campaign finance laws, and rolling back Dodd-Frank protections meant to reduce taxpayer risk from ''too-big-to-fail'' entities, just to name a few of the objectionable provisions in this bill.

One such provision greatly expands donations to the Republican and Democratic parties by allowing a tenfold increase in the maximum amount that donors may contribute to their political party's various national committees in one election cycle. The donation amounts skyrocket from $32,400 to $324,000 per year and ultimately up to a total contribution of $1.5 million to a party per each 2-year election cycle. At a time when more and more Americans are convinced our political system is rigged toward the rich, this provision only confirms that view.

This bill also contains a provision that will put taxpayers back on the hook for big banks by rolling back the regulatory protections that Congress put into place in response to the financial crisis that devastated our economy in 2008. With the Dodd-Frank Act, Congress sought to ensure that high-stakes gambling on Wall Street by reckless risk takers would not threaten the livelihood of the American taxpayer. As part of this effort, Dodd-Frank included a provision known as the ''swaps push out'' which requires Federally insured banks to separate out their riskiest activities into subsidiaries. This way, the risky trading activities that contributed to the meltdown would be separated from the insured banking entity and ensure that banks—not taxpayers—would be responsible if risky trades fail. Today, this spending bill repeals that provision and once again potentially leaves the taxpayer on the hook for Wall Street gambling gone wrong.

I am particularly dismayed that last-minute partisan maneuvering has left America's rural counties in the dust. Two funds that are lifelines for cash-strapped rural counties and school districts struggling to fund basic education, road improvements, law enforcement, and other public services were hurt by this bill. First, House Republican Leadership blocked repeated efforts to include the Secure Rural Schools—SRS—funding program, though it came with offset funding. Instead, they split it from the Payment in Lieu of Taxes program—PILT—funded PILT, and left SRS behind. This is a problem for two distinct reasons. First, PILT is a laudable program for rural counties around the country who host our public lands. But so is SRS, which funds education, roads and critical services in more than 700 counties across the country, and these counties will now be forced to lay off teachers, close libraries and jails, and lay off sheriffs. Second, PILT's formula is connected with SRS funding levels, in fact, and while this bill includes funding for PILT, in the absence of Secure Rural Schools, the funding level for PILT provided in this bill actually reduces PILT payments as compared to last year. We have seen this movie before and it never ends well—a last-minute scheme worked out largely in private to solve a complex problem without the full and public consideration of Congress—leads to mistakes. This is one of those mistakes that will reverberate across rural America. I am disappointed this mistake was not averted simply by providing SRS funding.

Speaking of hampering rural America, there is another provision missing that would help the rural West and one missing that would help the rural West were it included. This package fails to include the Wildfire Disaster Funding Act—a bill I introduced with my colleague Senator CRAPO and 17 additional bipartisan cosponsors, and which was also a strong bipartisan measure in the House. This legislation would have solved the problem of paying for the ever-increasing costs of fighting wildland fires without decimating the agencies' core budgets, where they get the money to pay for their essential work—including the forest restoration work that can help us get ahead of these infernos. Our commonsense solution would have paid for these natural disasters like other natural disasters are paid for, instead of cannibalizing the agencies' budgets.

In addition, this bill interferes with the work that private landowners are

doing for sage grouse restoration. This bill blocks the administration from complying with its Endangered Species Act obligations—and its deadline in a court-approved settlement agreement—by barring any funds from being used in efforts to list the sage-grouse under the Endangered Species Act. Now, while I join my colleagues and others in wanting to see a listing avoided, this kind of blunt force prohibition of compliance with legal obligations—one that sends the message that these obligations can be ignored when they are deemed inconvenient—is very disturbing. In my State, and across the West, numerous parties have come together to try to tackle the threats to this species, which is just an indicator of threats to an entire ecosystem. I commend these great efforts by ranchers, conservationists, Governors and others who have come to the table, signed agreements, and worked hard on the ground to protect the landscape and avoid a sage-grouse listing. Those efforts are the right way to avoid a listing, not through dangerous riders as we see in this bill. It is my hope the administration will continue to work to manage and improve sage-grouse habitat to avoid undermining those efforts.

On a global scale, this legislation would reverse a policy that takes a step toward saving our global climate. The United States has made tremendous and continued progress to reduce its greenhouse gas emissions as well as transition our electricity sector to cleaner energy sources. That progress gets undermined if other nations continue to grow their economies based upon high-carbon emitting electricity sources such as coal, without also putting in place the technologies to clean it up, capture, and store the emissions from those powerplants. It only makes sense then that the United States currently has in place a policy that it will not use its funds, through the Export-Import Bank and through the Overseas Private Investment Corporation to build power sources overseas that are dirtier than are allowed here at home, and that will continue polluting the atmosphere for many decades. A rider carried by this legislation up-ends that agreement.

This bill is flexible in its approaches to environmental degradation—it easily transitions from the global, as discussed above, to the very local: this legislation bans the Department of Energy—DOE—from implementing or enforcing light bulb efficiency standards. No environmental improvement is too small or too commonsensical to not attract an opponent.

This legislation hampers progress by taking aim at particular agencies: it takes aim at environmental protection by going directly after the Environmental Protection Agency. At a time when climate change is already hurting Americans and holding back the United States economy, the omnibus takes aim at the only agency with the authority to regulate greenhouse gas emissions, slashing its budget to levels not seen since 1989.

And this bill takes aim at the Internal Revenue Service by cutting their budget by another $400 million. That's the lowest level since 2008. Now, I get it. Some people might think that is a good thing: who wants to fund the tax collector? Except that the IRS is responsible for more than just cashing checks; it also has to make sure that tax fraud is under control, that Americans get their tax refunds in a timely way, and that taxpayers can get their questions about their taxes answered, again, in a timely way. All of that is hobbled by an insufficient budget.

In addition, it is hard to pick up a newspaper or turn on the news these days without finding a story about ever more aggressive efforts to dodge taxes. The average American does not cheat on her taxes, but for those who do, the IRS needs the resources to catch them. Otherwise, every honest, hard-working American ends up on the hook for more. By continuing to cut the IRS budget, I am afraid Congress is sending a message that tax enforcement is not so important. It communicates an unfortunate signal that fighting tax cheating is not a priority, and enforcement is not a priority. Ultimately, that is a problem for every American taxpayer.

Congress also continues to cut funding to the IRS while adding more duties to the agency, including in this spending bill. Next year is already a busy year for the IRS. In addition to administering the filing season and combating identity theft and fraud, the IRS will also be implementing the late-passed extenders bill, the Foreign Accounts Tax Compliance Act, and the health premium tax credits.

But that is not all. Congress is cutting the funding, but telling the IRS to use the funding to improve the 1–800 help line service and allocate resources to improve response time. Why? Because maintaining an acceptable level of service for the American taxpayer has been strained substantially due to previous budget cuts.

Congress is asking the IRS to do all these things while cutting funding. Congress is telling the IRS to do more, but with much, much less.

I have long been an ardent proponent of tax reform. We have a broken tax code in desperate need of fixing. Why does that matter in this context? I will tell you why. If Congress finally succeeds in meaningfully reforming our antiquated tax code, implementing those changes will require a substantial investment in the IRS. Will Congress have the same attitude toward funding the IRS when it is charged with the implementation of a reformed and modern tax code? I wonder, and I worry.

On the defense side, there is no doubt that this omnibus bill includes funding for important national security priorities. However, it also contains billions in wasteful and unnecessary military spending—like nearly $500 million to buy more F–35 Joint Strike Fighters than the Pentagon requested. The bill also contains more than $8 billion for nuclear weapons activities, which is nearly $390 million more than the President requested. During the Reagan years, we spent about $8 billion annually to develop, test, produce and maintain more than 20,000 nuclear warheads. Today we spend that same $8 billion on fewer than 5,000 warheads. What is wrong with this picture?

This bill also handicaps efforts to invest in infrastructure and keep our Nation competitive. Buried in the pages of this bill is a $100 million cut to the Transportation Investment Generating Economic Recovery, or TIGER, grant program. Since Congress created this program in the 2009 Recovery Act, the competitive grants have played a critical role in funding road, rail, port and transit projects across the country. Cutting this program makes absolutely no sense when Congress is struggling to shore up the Highway Trust Fund and meet infrastructure needs in Oregon and across the country.

And I would be remiss if I didn't highlight my disappointment with the multiemployer pension provisions. These reforms were rushed through by a few House Members in private during the final days of the legislative year without consideration by the Senate Finance Committee and other committees of jurisdiction. That flawed process has produced a lopsided solution leaving existing retirees to shoulder a disproportionate share of sacrifice. It also will result in the rolling back of a major tenet enshrined in pension law—never take away money a pensioner has already earned. Under this bill, for the first time, Congress will allow multiemployer plans to cut retirees' earned pension benefits. This is unprecedented and I worry about the impact on retirees and the slippery slope we are about to head down.

No matter what one thinks about the underlying policy, legislation this complex and controversial requires thorough review and analysis. That hasn't happened here. In fact, no one in the Senate, including the committees of jurisdiction, had the opportunity to fully review these provisions. Even a single, small, unintentional misstep in the rush to legislate could have serious and negative consequences to retirees and businesses alike. I am working hard to protect retirees' pensions, and jamming these reforms through Congress virtually sight unseen is no way to solve the problems with multiemployer pensions.

As a conglomerate, these provisions tip the balance of this fine bill to one that I cannot support and with that I regretfully voted against its final passage.●

Mr. REED. Madam President, I wish to explain my opposition to the Fiscal Year 2015 Omnibus Appropriations bill.

For months, I worked hard alongside Chairwoman BARBARA MIKULSKI, Ranking Member RICHARD SHELBY, and our colleagues on the Senate Appropriations Committee to craft a bipartisan agreement, which fit within stringent spending limits, to fund the government and strengthen our economy.

Regrettably, the last minute addition of an unrelated bill on multiemployer pension plans tilted the balance away from a bill that reflects a tough bipartisan compromise to a bill that, hastily and without thorough review, makes fundamental changes to numerous private retirement plans. Moreover, another provision of the bill seeks to undo a portion of the Dodd-Frank Wall Street Reform and Consumer Protection Act that would force large banks to separate the riskiest derivatives trades away from subsidiaries that benefit from federal deposit insurance.

Because of the inclusion of these provisions, I am unable to vote for the omnibus. It is a shame, because there is otherwise much good here.

This compromise bill includes federal funds, which I advocated for, to boost economic and community development and environmental restoration projects in Rhode Island, as well as key education, manufacturing, workforce training, health care, nutrition, energy efficiency, transportation, and defense initiatives.

I thank Chairwoman MIKULSKI for her boundless energy and ceaseless efforts in putting a bill together with these kinds of investments.

As chairman of the Senate Interior Appropriations Subcommittee, I am proud of what we were able to accomplish. I particularly commend Senator LISA MURKOWSKI for being an outstanding partner, as well as her clerk, Leif Fonnesbeck, and her subcommittee staff, Brent Wiles, and Emy Lesofski. I also thank the majority staff: Rachael Taylor, Virginia James, Ryan Hunt, and Rita Culp for their work and guidance during my tenure as chairman.

I especially wish to recognize Virginia James, who is retiring this January after a distinguished 27-year Senate career. Ginny has served as a trusted adviser on tribal health, science, and arts and cultural issues to both Democrats and Republicans, stretching back to her days serving as an aide to former Appropriations Committee Chairman Mark O. Hatfield. There are many Federal agencies—from the Smithsonian and the National Gallery of Art to the U.S. Geological Survey and the Indian Health Service—that owe Ginny a debt of gratitude for her work, as does the Senate. She will be missed for both her skill and her humor.

Because of the bipartisan efforts of the staff and members of our Subcommittee, the Interior Appropriations bill included in this omnibus legislation has $2.356 billion for the Clean Water and Drinking Water State Revolving Funds, which is $581 million above the fiscal year 2015 budget request. This funding will help states and localities make important infrastructure investments, create jobs here in the U.S., and improve environmental quality.

While I am disappointed that the House insisted on the inclusion of a few controversial policy riders, I'm pleased that we were able to eliminate many of the most damaging legislative provisions that those on the other side of the aisle were demanding. These provisions would have impacted the ability of agencies under the Subcommittee's jurisdiction to do their jobs to protect the public and the environment, including their ability to address climate change.

I am dismayed, however, that the House refused to accept the Senate's language that would have allowed for a more rational way to account and pay for emergency wildfire suppression. Every member of the House Interior Appropriations Subcommittee had cosponsored nearly identical legislation and the House Committee report expressed support for this change. Yet the House refused to adopt it in this agreement. I believe my colleagues in the West may regret not taking the opportunity when they had the chance.

I am also disappointed that my colleagues in the House could not agree, at long last, that it is time for oil and gas companies to pay a share of the costs of inspecting their on-shore drilling operations.

There are other aspects of the omnibus that are troubling.

As the long time champion of the Low Income Home Energy Assistance Program (LIHEAP), along with Senator SUSAN COLLINS, I regret seeing the program cut by $34 million. Although significantly higher than the President's request, the reduction comes after years of cuts or stagnant appropriations. Meanwhile, the number of households eligible for LIHEAP assistance continues to exceed available funds and those receiving assistance have seen their grants decrease. I hope we can do better in the future.

While the bill includes important investments in surface transportation and aviation systems, I think we should be doing more, given the benefits to our economy. I am especially disappointed that the TIGER grant program, which has helped advance a number of critical transportation projects in Rhode Island, has been cut by $100 million from a year ago.

I am also troubled by language that would set aside the Federal Motor Carrier Safety Administration's Hours of Service regulation in order to have further study of the rule, which has been in effect for nearly 1½ years. While I welcome additional studies on driver safety, I don't think it is appropriate to simply set aside a rule that has been the subject of more than a decade of work and legal review. What concerns me most is that it could force truck drivers, who have one of the most grueling jobs in the country, to work longer hours, potentially increasing fatigue and putting more people at risk on our roadways.

The bill also hobbles the Department of Homeland Security, providing only enough funding to keep it running until February 27 of next year. This is the response by my colleagues on the other side of the aisle to the actions the President has taken with respect to immigration. Due to this intransigence, some initiatives to secure the border cannot be funded nor can measures to address the humanitarian crisis of children crossing our Southwest border or security weaknesses at the White House.

Even if these faults could be overlooked because of the many positive provisions in the bill, it is, for me, irreparably damaged by two controversial riders that have nothing to do with funding the government.

The bill would repeal section 716 of the Dodd-Frank Wall Street Reform Act. Section 716 prevents bank subsidiaries that are covered by federal deposit insurance or that take advantage of Federal Reserve lending programs from engaging in the riskiest derivatives trades. In essence, the riskiest derivatives trades would be pushed out from these subsidiaries in an effort to reduce systemic risk and provide greater assurances that Wall Street gambles would not be subsidized by taxpayers.

Whether you are in favor of preserving or repealing section 716, everyone should understand by now that the last thing Congress should be doing is passing incredibly complex and consequential derivatives legislation with little deliberation as part of an omnibus appropriations bill.

Serious concerns have been raised about repealing Section 716. Some have pointed out that the riskiest derivatives are so volatile that it will be impossible to charge the proper deposit insurance premium to account for the additional risk that the most unpredictable swaps will bring to FDIC insured banking subsidiaries. In other words, the potential losses could far exceed the amounts that have been reserved for contingencies. This should be concerning to all of my colleagues, especially in light of the 2008 financial crisis.

It is clear that big Wall Street banks have more than had their say. I merely ask that taxpayers be given an equal opportunity to have their say before they are asked yet again, perhaps years from now, to bail out Wall Street for their excesses.

The deep irony is that when my colleagues and I transparently fight for foreclosure prevention for Americans who were harmed by the recklessness of big banks and financial institutions, we are told that it was our constituents who were reckless and that we shouldn't be encouraging moral hazard. By repealing a section that seeks to establish a prohibition against federal government bailouts of swaps entities, some of my colleagues are revealing

their view that our largest banks should be held to a significantly lesser standard than distressed American homeowners. They seem to believe that when it comes to the potentially reckless choices of banks, they can continue to wreak havoc in our financial markets—and if their bets fail spectacularly, taxpayers will be there to clean up their mess. This shouldn't be the case.

If Members want to debate and vote on this issue in the open, I welcome the opportunity, but to avoid the debate by tucking this provision in a 1,600 page funding bill is a disservice to the seriousness of the issue. I am disheartened that despite what past experience has shown us, we are rushing towards what could be another grave mistake.

While much attention has been paid to the repeal of section 716 and other controversial pieces of this legislation, I am even more troubled by the last-minute addition of a bill that would make major changes to the multiemployer pension system.

The multiemployer pension program, guaranteed by the Pension Benefit Guaranty Corporation (PBGC), is in financial distress. Just 1 month ago, the PBGC's annual report raised a number of concerns about the increasing deficits of the multiemployer pension program. Alarmingly, the report predicted a high likelihood of many plans failing over the next decade, which would jeopardize the PBGC's ability to ensure retirees even a minimum guarantee on their pensions. We must take action to ensure that middle-income employees and retirees do not have the rug cut out from under them and lose retirement benefits.

We should have a thoughtful, open debate about how we ensure that middle-income employees and retirees receive the pension benefits they have earned so they are able to enjoy a secure retirement. We need a solution that honors these retirees' lifelong work.

Regrettably, this legislation—for the first time—opens the door to cutting pension benefits for current retirees. It would renege on the commitments made to middle-income families across the country. Hamstrung by budget constraints over the last few years, we have not done as much as I would have liked to protect programs that provide much needed support to hard-working families. My efforts to extend unemployment insurance, which benefits a broad cross-section of Americans, have been rebuffed by House Republicans time after time this year. And now even hard earned pension benefits are not safe.

The financial stability of multiemployer plans is a serious challenge that Congress will have to confront. However, we must consider a range of options before we move to dismantle the longstanding protections afforded to employees and their families by the Employee Retirement Income Security Act (ERISA). One of the most important aspects of this law stipulates that benefits for troubled multiemployer pension plans must be paid out first with remaining assets. The legislation we are considering flies in the face of that commitment by allowing benefit cuts to be the first option for restoring solvency to these plans.

Any solution is going to require tough compromises from everyone, but all stakeholders should have the opportunity to participate in crafting a solution instead of having it developed in secret and rammed through as part of a must-pass spending bill. This is the sort of action that infuriates the people we represent. But more important than process, this bill will have an effect on people's lives for years to come and gives further cause for Americans to think that their government doesn't have their back or care about their economic security. We shouldn't approach it so frivolously. We need to make sure the policy is right.

Given the outstanding efforts of Chairwoman MIKULSKI and my colleagues on the Appropriations Committee it is difficult for me to say this, but because of the reasons I have explained, I voted no on this bill.

Ms. BALDWIN. Madam President, this is not the time for another government shutdown. The American people have had enough of Washington's dysfunction. They want us to do our job and work together to get the job done. Since the Budget Committee, on which I serve, crafted a bipartisan agreement that ended last year's government shutdown and paved the way for a cease-fire on recent budget wars, the economy has gained an average of 240,000 jobs per month. In Wisconsin, our economy continues to lag behind, so we need to build on this progress and strengthen the economic security of families and businesses that are working hard to move our economy forward.

This bipartisan appropriations bill will help do that by increasing the Child Care and Development Block Grant funding by $75 million; increasing the maximum Pell grant award; providing a cost of living pay raise for our men and women in the Armed Forces; increasing funding for science and research at the National Institutes of Health by $150 million; providing grants to States for job training and assistance to dislocated workers; extending Trade Adjustments Assistance for workers who lose their jobs due to international trade; and moving bipartisan Manufacturing Hubs legislation forward that I support to keep our country on the leading edge of advanced manufacturing.

I also fought to include in this legislation a number of provisions that will help us build a stronger made in Wisconsin economy, including support for our shipbuilding industry and transportation infrastructure.

With all of these benefits, I am the first to admit that this bill is far from perfect. But we have a divided government and I recognize that I can't get everything I want in this bill, just as my colleagues across the aisle can't get everything they want in this bill. This bill is a compromise.

Let me be very clear here: Republicans' insistence on including a Wall Street giveaway is extremely objectionable to me. I also strongly oppose a provision that weakens our already loose campaign laws and the changes made to multiemployer pensions deserved a full debate in the Senate, as separate legislation, not tucked into an appropriations bill by the House of Representatives at the last minute. I agree with my colleagues who have said these provisions represent the very worst of creating an uneven playing field for those hard working Americans who ask for nothing more than a voice in Washington and fair shot at getting ahead. I would also add that these provisions in particular are a direct assault on our proud progressive traditions in Wisconsin.

But what would have happened if we did not pass this bill now? I can tell you what will happen because we saw the path the Republican controlled House of Representatives wanted to take. Republicans tried to add more than 30 additional harmful policy provisions—from more Wall Street giveaways to rolling back workers' rights to eroding environmental policy—but Senate Democrats were able to use their current leverage as the majority party in the Senate to keep them out. If this bill did not pass now, Republicans would have had the power to add more objectionable provisions when they will hold majorities in both the House and Senate next year.

I supported this bipartisan compromise because I believe it is our job to deliver progress for the American people, not an endless drift from one crisis to the next or a government shutdown.

GUN VIOLENCE

Mr. LEVIN. Madam President, 15 years ago, in the days after the shooting at Columbine High School stunned our Nation, I spoke to the Economic Club of Detroit. There, as our country reflected on gun violence's horrific toll, I asked a simple question: ''Are we willing to say enough is enough?''

Now, so many years later, that question still haunts us. Today, in a country dedicated to ''life, liberty and the pursuit of happiness,'' guns kill over 32,000 people a year. That is almost 88 people a day. On top of that, there are over 73,000 nonfatal gun injuries each year. That is 200 a day. Some statistics have shown that 50 percent of suicides in the United States are committed with a firearm. Others have found that children and young adults account for 38 percent of gun deaths and nonfatal injuries, and that when guns are present during incidents of domestic violence, the risk of homicide escalates over 500 percent.

Each of these statistics represents tragedy: people with stories, families, loved ones left behind and dreams shattered. A recent CNN report, for example, analyzed all the gun incidents that occurred in America on a day picked at random—July 12, 2014. Their research found on that day alone, at least 83 gun incidents occurred in our country. At 3:20 a.m., a 23-year-old man was shot and killed at an apartment complex in Tallahassee, FL. At 11:01 a.m., in Ohio, officers responding to a domestic violence complaint arrived to a firefight that ended when the gunman turned his weapon on himself. At 6:20 p.m. an elderly man mistakenly shot and killed his neighbor, whom he mistook for an intruder. At 8:40 p.m., in South Carolina, after an altercation at a party, a man sprayed bullets into the crowd, killing a 47-year-old man and injuring another. And these are just a few examples: in the report's words, ''we are certain about one thing—we did not capture every gun incident.''

Congress can take commonsense steps to make things better. We should pass a bill making background checks mandatory on all gun sales, a step that study after study has shown is supported by 90 percent of the American people, as well as 95 percent of American internists and 55.4 percent of gun dealers and pawnbrokers. We should pass legislation to ban military style assault weapons, so as to stop the flood of these weapons into our neighborhoods and streets. The bottom line is that law enforcement personnel who put their lives on the line every day need and deserve our support in their effort to ban assault weapons, require background checks and take other steps to reduce gun violence.

We recently observed the 2-year anniversary of the day when a deranged individual took the lives of 26 people, 20 of them children, at Sandy Hook Elementary School in Newtown, CT. The children were first graders, 6- and 7-year-olds. Today, they would have been 8- and 9-year-olds, third graders, celebrating birthdays, learning about fractions and decimals, and reading books. Instead, we can only honor their memory and rededicate ourselves to the work of preventing these tragedies in the future.

So I must ask the question again, Are we willing to say that enough is enough? After so many years and so much senseless death, injury and pain, when will we come together to stop this violence?

I am still hopeful. I am hopeful that Congress will finally answer the question in the affirmative ''Enough is enough.'' I am hopeful that Congress will listen to our communities, our educators, and clergy, our law enforcement officials and businesspeople, our families and loved ones and join them in saying ''enough is enough.'' And I am hopeful that one day soon, Congress will pay victims and survivors of American gun violence the highest tribute that it can: legislation to stop the bloodshed, and to make this country that we love better and safer for generations to come.

GENERIC DRUG REPORT AND STUDY REQUEST

Mr. NELSON. Madam President, today I wish to call attention to a report released by the Senate Special Committee on Aging, ''Medicare Part D Prescription Drug Benefit: Increasing Use and Access of Affordable Prescription Drugs.'' I have long been an advocate in the fight for affordable prescription drugs for our seniors—in fact, when this body was considering the legislation that created the Medicare Part D benefit, I voiced concerns that we did not go far enough to ensure that every senior had access to the life-saving and life-sustaining treatments they need.

During the debate in the Senate on the Affordable Care Act, I fought to eliminate the so-called Medicare Part D doughnut hole because no senior should have their drug coverage disappear when they need it most. I believe that closing the prescription drug doughnut hole was one of the best things we did in the Affordable Care Act, and in my State alone seniors have saved more than $756 million on their drugs since the law was passed.

Over the past 2 years, the Aging Committee has held hearings, drafted legislation, solicited multiple reports from the Government Accountability Office, GAO, and the Department of Health and Human Services Office of the Inspector General, OIG, on selected topics, and met with industry and beneficiary stakeholders. I requested a study by the GAO on the Part D plan finder tool's accuracy of information on plans and drug pricing.

I chaired a hearing to commemorate the 10th anniversary of the creation of Medicare Part D. During that hearing, witnesses raised issues of specialty drug costs, coverage denial, and customer service issues. As a result, Senator COLLINS and I introduced the Part D Beneficiary Appeals Fairness Act, S. 1365, to give beneficiaries the right to appeal for a lower copayment for drugs on the specialty tier, the tier on which the most expensive drugs are. I have worked hard with my colleagues to rectify issues with the Medicare Part D appeals process when I learned that seniors were still having difficulty when coverage for needed medications was denied. I also requested a thorough review by the OIG into beneficiaries' access to generic drugs in Medicare Part D plans, the results of which are in the report submitted today, as well as a continued review of the differences in prices for drugs in the Medicaid Program as compared with the Medicare Program.

I will continue to improve the Medicare Part D Program, and that is why my colleagues and I issued this committee report to inform the full Senate on innovative ways to use the tools within the Part D program to better control drug costs for seniors and taxpayers.

This report is the culmination of 2 years of work by the Senate Special Committee on Aging to assess the status of the Part D program and recommend improvements.

One undeniable factor that keeps costs down in the Part D program is the use of generic drugs. Competition in the generic drug market translates into real savings for both taxpayers and beneficiaries. The Congressional Budget Office, CBO, estimated in 2010 that the use of generic drugs in the Part D program saved beneficiaries and taxpayers approximately $33 billion; approximately 72 percent—$24 billion—of those savings accrued to the Medicare program and 28 percent—$9 billion—went to beneficiaries. CBO estimates that such savings are shared by beneficiaries and the Part D program through a combination of lower copayments and lower premiums than would have been charged otherwise.

While the proportion of generic drug use has increased over time, certain high-cost beneficiary groups continue to miss savings. The committee's report finds four areas for improvement that should be addressed in order to continue to improve on value-based prescription drug use. These include:

Incentivizing and supporting plan sponsors to not only include generic drugs on plan formularies but also to proactively promote the maximum use of generic alternatives where appropriate. Currently, most plan sponsors offer a full array of generic alternatives, but they are not required to do so, leaving a small number of plan formularies that do not maximize generic offerings. In addition, there are no mechanisms that reward or incentivize plan sponsors that have undertaken successful strategies to further increase generics use. Encouraging value in Part D plans as much as possible will be increasingly important in coming years.

Finding ways to increase the adoption of generic drugs among beneficiaries that receive low income subsidy, LIS, benefits. Generally, insurance companies have been successful at encouraging enrollees to use generic alternatives when available in part because there are large differences in copays between brand and generic drugs. However, in the LIS population, these cost differences do not exist; their copays are set by statute. Innovative methods to improve use of generic drugs in this population, while still ensuring full access for this vulnerable population, must be explored.

Improving education among beneficiaries and health professionals. There continues to be a need to educate beneficiaries and health professionals on the efficacy of generic medications and incentivizing them to substitute brand-name drugs for generic drugs, when appropriate.

Maximizing program integrity efforts at pharmacies. In some situations,

questionable pharmacy billing practices could thwart efforts that have been made to incentivize generics. HHS OIG, GAO, and others have identified important program controls in the Part D program that could be improved.

While the report deals only with those levers in the Part D program that can be adjusted to incentivize the less-costly drug option where appropriate, it is undeniable that recent reports indicate certain situations where the price of a selected generic drug dramatically increases. This trend—and the factors that contribute to this disturbing trend—must be better understood. Generics have been critical to overall fiscal sustainability of the health care system, and we must understand and address volatility that results in inexplicable price spikes for patients and taxpayers. I believe this is a hugely complex and recent phenomenon but one that must be studied further. That is why today, in addition to releasing this important and timely report, I intend to request an investigation by the GAO into those factors that underlie the recent price increases of certain generic drugs.

It is my hope that these actions, taken together, are efforts that both sides can agree to and will inform us on the best way to move forward to achieve the maximum drug savings possible and provide better, more affordable care for our seniors in coming years.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 15, 2014, she had presented to the President of the United States the following enrolled bills:

S. 1353. An act to provide for an ongoing, voluntary public-private partnership to improve cybersecurity, and to strengthen cybersecurity research and development, workforce development and education, and public awareness and preparedness, and for other purposes.

S. 1474. An act to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, 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–8191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC–8192. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. FDA–2000–N–0011, formerly Docket No. 2000N–1596) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–8193. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development Semiannual Report of the Inspector General for the period from April 1, 2014, through September 30, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–8194. 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 2005–79; Introduction'' (FAC 2005–79) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–8195. 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; Establishing a Minimum Wage for Contractors'' ((RIN9000–AM82) (FAC 2005–79)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–8196. 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; Prohibition on Contracting with Inverted Domestic Corporations'' ((RIN9000–AM70) (FAC 2005–79)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–8197. 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 2005–79; Small Entity Compliance Guide'' (FAC 2005–79) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–8198. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral David H. Buss, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–8199. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Department of Defense Response to the Government Accountability Office report relative to detainee transfers; to the Committee on Armed Services.

EC–8200. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; English Station Emergency Environmental Response; Mill River; New Haven, CT'' ((RIN1625–AA00) (Docket No. USCG–2014–0917)) received in the Office of the President of the Senate on December 12, 2014; to the Committee on Commerce, Science, and Transportation.

EC–8201. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's tenth annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 2762

At the request of Mr. FRANKEN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2762, a bill to prevent future propane shortages, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4120. Mr. WALSH (for Mr. JOHANNS) proposed an amendment to the bill H.R. 2866, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

TEXT OF AMENDMENTS

SA 4120. Mr. WALSH (for Mr. JOHANNS) proposed an amendment to the bill H.R. 2866, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes; as follows:

On page 7, strike lines 8 through 10, and insert the following: ''shall be paid to the United States Treasury for the purposes of reducing the national debt.''.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Jonathan Merkley, be granted privileges of the floor through Thursday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NO. 1084

Mr. WALSH. Madam President, I ask unanimous consent that following disposition of Calendar No. 635, Rose, that there be 3 hours of debate equally divided in the usual form on the motion to invoke cloture on Calendar No. 1084, Saldana; and further, that the time from 2:15 p.m. to 2:30 p.m. be equally divided in the usual form, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WALSH. I ask unanimous consent that the Senate proceed to executive session to consider all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed en bloc; that the motions to reconsider be considered

made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; 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 nominations considered and confirmed en bloc are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

PN1377—3 FOREIGN SERVICE nomination of Sharon Lee Cromer, which was received by the Senate and appeared in the Congressional Record of January 30, 2014.

PN1567 FOREIGN SERVICE nominations (4) beginning Michael A. Lally, and ending John E. Simmons, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1568 FOREIGN SERVICE nominations (11) beginning Andrew J Billard, and ending Brenda Vanhorn, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN1569 FOREIGN SERVICE nominations (456) beginning Melinda Masonis, and ending Jeffrey R. Zihlman, which nominations were received by the Senate and appeared in the Congressional Record of April 10, 2014.

PN2137 FOREIGN SERVICE nomination of James D. Lindley, which was received by the Senate and appeared in the Congressional Record of November 13, 2014.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

SECURITY CLEARANCE ACCOUNTABILITY, REFORM, AND ENHANCEMENT ACT

Mr. WALSH. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 606, S. 1744.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1744) to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for security clearances, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment and an amendment to the title.

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Security Clearance Accountability, Reform, and Enhancement Act''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' has the meaning given the term in Executive Order 13467 (73 Fed. Reg. 38103);

(2) the term ''appropriate agency'' means—

(A) in the case of a prime contractor for a covered contract, the agency with which the prime contractor entered the covered contract; or

(B) in the case of a subcontractor for a covered contract, any agency on whose behalf the subcontractor is performing work under the covered contract;

(3) the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives;

(4) the term ''background investigation'' means any investigation required for the purpose of determining the—

(A) eligibility of a covered individual for logical and physical access to federally controlled facilities or information systems;

(B) suitability or fitness of a covered individual for Federal employment;

(C) eligibility of a covered individual for access to classified information or to hold a national security sensitive position; or

(D) fitness of a covered individual to perform work for or on behalf of the United States Government as a contractor employee;

(5) the term ''covered contract'' means a contract to conduct background investigations—

(A) between an agency and a prime contractor;

(B) between a prime contractor and a subcontractor, if the prime contractor has a contract with an agency; or

(C) between subcontractors, if one of the subcontractors has a contract with a prime contractor that has a contract with an agency;

(6) the term ''covered individual'' means an individual who—

(A) performs work for or on behalf of an agency; or

(B) seeks to perform work for or on behalf of an agency;

(7) the term ''covered misconduct'' means misconduct affecting the integrity of a background investigation conducted by or for an agency with investigative authority to conduct background investigations, including—

(A) falsification of any information relating to a background investigation; or

(B) other serious misconduct that compromises the integrity of a background investigation;

(8) the term ''prime contractor'' means an individual who enters into a contract with an agency; and

(9) the term ''subcontractor'' means an individual who has contracted with a prime contractor or with another subcontractor to perform a contract on behalf of an agency.

SEC. 3. ACCOUNTABILITY OF INDIVIDUALS INVOLVED IN MISCONDUCT AFFECTING THE INTEGRITY OF AGENCY BACKGROUND INVESTIGATIONS.

(a) MISCONDUCT BY FEDERAL EMPLOYEES.—

(1) UNFIT FOR FEDERAL EMPLOYMENT.—If an agency determines that an employee of the agency has engaged in covered misconduct, the employee shall be found unfit for Federal employment.

(2) FITNESS DETERMINATIONS.—An agency shall make a determination under paragraph (1) in accordance with any statutory, regulatory, or internal agency procedures applicable to investigating alleged misconduct by employees of the agency.

(3) PROHIBITION ON REEMPLOYMENT TO CONDUCT BACKGROUND INVESTIGATIONS.—If an agency determines under paragraph (1) that an individual is unfit for Federal employment, the individual shall not be appointed to or continue to occupy a position, as an employee of any agency, that requires its occupant to perform background investigations.

(b) MISCONDUCT BY EMPLOYEES UNDER CONTRACT.—

(1) INELIGIBILITY FOR PERFORMANCE OF WORK UNDER A COVERED CONTRACT.—If an appropriate agency, prime contractor, or subcontractor determines that an individual performing work under a covered contract has engaged in covered misconduct, the individual shall be ineligible to perform background investigations under a covered contract.

(2) MANDATORY DISCLOSURE.—A covered contract shall include a provision requiring a prime contractor or subcontractor to disclose to each appropriate agency any allegation of covered misconduct by an employee of the prime contractor or subcontractor not later than 24 hours after the prime contractor or subcontractor discovers the alleged covered misconduct.

(3) INVESTIGATION OF COVERED MISCONDUCT.—

(A) CONTRACTOR INVESTIGATION.—A covered contract shall include a provision requiring that, not later than 5 business days after the date on which a prime contractor or subcontractor discloses an allegation under paragraph (2), the prime contractor or subcontractor shall refer the allegation of covered misconduct to the agency for investigation.

(B) AGENCY INVESTIGATION.—Nothing in subparagraph (A) shall be construed to prohibit an appropriate agency from conducting its own investigation into an allegation of covered misconduct.

(4) PROHIBITION ON REEMPLOYMENT TO CONDUCT BACKGROUND INVESTIGATIONS.—If an appropriate agency determines, based on an investigation conducted under paragraph (3), that an individual is ineligible to perform work under a covered contract under paragraph (1), the individual shall be prohibited from performing background investigations under any covered contract.

(5) MODIFICATION OF EXISTING CONTRACTS.—Not later than 30 days after the date of enactment of this Act, any covered contract that is in effect and was entered into before the date of enactment of this Act shall be modified to include the provisions required under paragraphs (2) and (3).

(c) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report providing—

(1) the number of individuals determined to be—

(A) unfit for Federal employment under subsection (a); or

(B) ineligible to perform work under a covered contract under subsection (b); and

(2) details of the covered misconduct that resulted in each determination described in paragraph (1).

SEC. 4. REVIEW AND UPDATE OF POSITION DESIGNATION GUIDANCE.

(a) GUIDELINES.—

(1) INITIAL REVIEW AND UPDATE OF GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the President shall review and, if appropriate, update the guidance the President issues to assist agencies in determining—

(A) position sensitivity designation; and

(B) the appropriate background investigation to initiate for each position designation.

(2) REVIEWS AND REVISIONS OF POSITION DESIGNATIONS.—Not less frequently than every 5 years, the President, acting through relevant agencies (as determined by the President) and in accordance with the guidance described in paragraph (1), shall review and, if necessary, revise the position designation of positions within agencies.

(b) REPORTS TO CONGRESS.—Not later than 30 days after completing a review under subsection (a)(2), the President shall submit to the appropriate congressional committees a report on—

(1) any issues identified in the review; and

(2) the number of position designations revised as a result of the review.

(c) NO CHANGE IN AUTHORITY.—Nothing in this section limits or expands the authority of any agency to designate a position as sensitive or as requiring its occupant to have access to classified information.

Mr. WALSH. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill, as amended.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1744), as amended, was passed.

Mr. WALSH. I ask unanimous consent that the committee-reported title amendment be agreed to and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: ''A bill to strengthen the accountability of individuals involved in misconduct affecting the integrity of background investigations, to update guidelines for position designation, and for other purposes.''.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2014

Mr. WALSH. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2901, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2901) to strengthen implementation of the Senator Paul Simon Water for the Poor Act of 2005 by improving the capacity of the United States Government to implement, leverage, and monitor and evaluate programs to provide first-time or improved access to safe drinking water, sanitation, and hygiene to the world's poorest on an equitable and sustainable basis, and for other purpose.

There being no objection, the Senate proceeded to consider the bill.

Mr. WALSH. I ask unanimous consent that the bill be considered read a third time and the Senate proceed to vote on passage of the bill.

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

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2901) was passed.

Mr. WALSH. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

ENACTING TITLE 54, UNITED STATES CODE, AS POSITIVE LAW

Mr. WALSH. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 1068 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 (H.R. 1068) to enact title 54, United States Code, ''National Park Service and Related Programs,'' as positive law.

There being no objection, the Senate proceeded to consider the bill.

Mr. WALSH. I ask unanimous consent that the bill 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 bill (H.R. 1068) was ordered to a third reading, was read the third time, and passed.

BOYS TOWN CENTENNIAL COMMEMORATIVE COIN ACT

Mr. WALSH. Madam President, I ask unanimous consent that the committee on banking be discharged from further consideration of H.R. 2866 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 (H.R. 2866) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WALSH. I ask unanimous consent that the Johanns amendment, which is at the desk, 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. 4120) was agreed to, as follows:

(Purpose: To provide that surcharges received from the sale of coins under the Act are used to reduce the national debt)

On page 7, strike lines 8 through 10, and insert the following: ''shall be paid to the United States Treasury for the purpose of reducing the national debt.''.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2866), as amended, was passed.

ORDERS FOR TUESDAY, DECEMBER 16, 2014

Mr. WALSH. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 16, 2014; that following the prayer and 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 resume executive session as provided for under the previous order.

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

PROGRAM

Mr. WALSH. For the information of all Senators, the 10 a.m. confirmation votes on the Santos and Rose nominations are expected to be voice votes. There will be up to two rollcall votes at 2:30 p.m. on cloture and confirmation of the Saldana nomination. Additional rollcall votes will occur at 6 p.m.

We anticipate recessing for the purpose of the weekly caucus meetings following the use or yielding back of time on the Saldana nomination.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WALSH. 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 8:09 p.m., adjourned until Tuesday, December 16, 2014, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 15, 2014:

PUBLIC HEALTH SERVICE

VIVEK HALLEGERE MURTHY, OF MASSACHUSETTS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF SHARON LEE CROMER.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL A. LALLY AND ENDING WITH JOHN E. SIMMONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANDREW J. BILLARD AND ENDING WITH BRENDA VANHORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MELINDA MASONIS AND ENDING WITH JEFFREY R. ZIHLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 10, 2014.

FOREIGN SERVICE NOMINATION OF JAMES D. LINDLEY.