

appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

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

#### RECOGNITION OF THE MAJORITY LEADER

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

#### WORKFORCE INVESTMENT ACT OF 2013—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to S. 1356.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

#### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the national defense authorization bill. Rollcall votes are possible throughout the day. We will do our best to notify Senators ahead of time as to when votes will occur.

#### DEFENSE AUTHORIZATION

Mr. REID. Mr. President, for more than 50 years consecutively; that is, 50 years in a row every year, the United States has passed the National Defense Authorization Act. This year is not going to be an exception. This tradition indicates the respect and gratitude with which Members of this institution regard the members of our military.

The work to get to this point has been extremely difficult. We have had the usual good work by one of the finest Senators ever, the senior Senator from Michigan, and also the cooperation and hard work of the ranking member of the committee, the senior Senator from the State of Oklahoma. It has been with some difficulty.

The Senator from Oklahoma has had physical problems and the tragic loss of his son in an unfortunate airplane accident. These two men have continued to move forward with this legislation. It is important to mention their counterparts in the House. This is an important piece of legislation that we are going to vote on.

Today, the Senate will continue debate on this critical measure which safeguards our Nation and ensures our

troops have the resources and training they need. This bill includes a pay raise for members of the Armed Forces and reauthorizes dozens of special pay raises and bonuses, such as the bonus payment for servicemembers who are stationed overseas.

This legislation also supports military families who support the mission of our fighting men and women. Also, yesterday, we passed the Ryan-Murray budget—very important—because, among other things, it did away with the sequester, which would have been—if that second year would have kicked in, it would have been a \$23 billion hit to the United States military. That is gone.

This year the National Defense Authorization Act also includes robust new provisions to combat sexual assault in the military and guarantee that the perpetrators are punished.

With cooperation, the Senate could easily pass this bill today. We could have done it last evening. With cooperation, the Senate could also consider a number of pending nominations today and Friday. Without cooperation from our Republican colleagues, Senators should expect late night and weekend votes.

#### NOMINATIONS

Mr. REID. Mr. President, after we complete work on the Defense authorization bill, this body will consider several essential nominations, including the new Federal Reserve Chair—so important, as we learned yesterday from the announcement of Chairman Ben Bernanke how terribly important that institution is. He is leaving. We need someone to replace him.

We also are going to approve a Deputy Secretary of Homeland Security, a new Director of the Internal Revenue Service. We will also consider a nomination that has been pending for 2 years—more than 2 years actually—the nomination of Brian Davis of Florida to fill a judicial seat that has been declared an emergency, as well as a handful of other nominations.

All those nominees are qualified and dedicated public servants. I have not heard a single word about these nominations being flawed in any way. Those nominees have broad bipartisan support. Their positions safeguard the economy, thus ensuring our national security. I am disappointed that Republican Senators have suggested that those nominees are nonessential or unimportant. I heard one Senator say: Just do them next year. Another said: Yes, they are nonessential. They are really unimportant. Why don't we do them next year?

Everyone should understand, the Senate will not wait until the new year to consider these nominations. These are critical nominations. If that means working through the weekend, next week, so be it. The Senate will finish its work before we leave for the holidays. It is our constitutional duty.

Public servants who set our Nation's monetary policy and guard against terrorism and deliver us justice do not hold nonessential positions.

Is Janet Yellen, to be chosen as Federal Reserve Chair, nonessential? It is shallow to even suggest this. Brain Davis. I have already talked about this good man who has waited 2 years to become a Federal trial judge in Florida, that has too many criminal cases, too many civil cases, and it has been declared a judicial emergency. I suggest it is very shallow to suggest this nomination is unimportant and not essential.

Alejandro Mayorkas to be the No. 2 person at the Department of Homeland Security is vitally important, as has been laid out in detail by the chairman of the committee TOM CARPER. How shallow to think this important nominee is nonessential.

How about this one? John Koskinen to be Commissioner of the Internal Revenue Service. With all that is going on in this country with ObamaCare, with all that is happening, we need someone to direct the Internal Revenue Service. To suggest this is not a critical position is really very shallow.

With all of the Republican obstruction and delay we have seen over the last 2 weeks, is it any wonder Democrats changed the rules last month? Of course not. The American people want Congress to work, not obstruct. Even under these new rules, Republicans are wasting weeks on matters that could be resolved in mere hours. As always, there is an easy and a hard way that we legislators can take. One is to move; the other is to obstruct. So far, my Republican colleagues have obstructed, and they continue to do so. The choice to obstruct is theirs. Their obstruction has become a bad habit of theirs. For the good of the country, their obstruction, these bad habits, need to go away.

#### RESERVATION OF LEADER TIME

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 3304, which the clerk will report.

The legislative clerk read as follows:

Resolved, that the House concur in the Senate amendment to the title of the bill (H.R. 3304) entitled "An Act to authorize and request the President to award the Medal of Honor to Bennie G. Adkins and Donald P. Sloat of the United States Army for acts of valor during the Vietnam Conflict and to authorize the award of the Medal of Honor to certain other veterans who were previously recommended for award of the Medal of Honor," and be it further

Resolved, that the House concur in the first three Senate amendments to the text of the aforementioned bill, and be it further

Resolved, that the House concur in the fourth Senate amendment to the text of the aforementioned bill, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 2552, to change the enactment date.

Reid amendment No. 2553 (to amendment No. 2552), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Armed Services, with instructions, Reid amendment No. 2554, to change the enactment date.

Reid amendment No. 2555 (to (the instructions of the motion to refer) amendment No. 2554), of a perfecting nature.

Reid amendment No. 2556 (to amendment No. 2555), of a perfecting nature.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1859

Mr. REID. I ask unanimous consent the Senate proceed to S. 1859, submitted earlier today, a bill that includes the following provisions: an extension of the provision to exclude mortgage debt forgiveness from taxable income; deductions for State and local sales taxes, qualified tuition expenses for students, and classroom expenses that teachers pay for out of their own pockets; a commuter benefit that helps workers who take mass transit to their jobs every day; the new markets tax credit and the low-income housing credit; tax benefits to encourage investment in our Nation's infrastructure, such as the short line rail tax credit; provisions that encourage the development of renewable energy technology, including the production tax credit for wind, as well as credits to promote biofuels, alternative fuel vehicles, and energy-efficient buildings; and tax incentives for small and large businesses, including section 179 expensing, bonus depreciation, and the R&D credit.

I further ask that the bill be read a third time and passed and the motions to reconsider be made and laid on the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Reserving the right to object, it is unfortunate the Senate's schedule is completely full with pending cloture motions on controversial or completely nonurgent nominations.

If these nomination were deferred, we could consider this timely and important legislation today.

I, therefore, ask unanimous consent that the pending cloture motions on executive nominations be withdrawn;

that following disposition of the Defense bill, the Senate proceed to immediate consideration of H.R. 2668, a House-passed revenue measure; that the text of S. 1859 be the first amendment in order; and that the majority and minority sides then be recognized to offer amendments in an alternating fashion so these important issues could be considered this week.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, I would refer to the statement I gave earlier today, and I object.

The ACTING PRESIDENT pro tempore. The objection is heard to the modification. Is there objection to the original request?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from Utah.

Mr. HATCH. I wish to briefly comment on the absurdity of what just transpired on the Senate floor. My friends on the other side have been the longest serving majority since 1980. We are enduring, some would say, the 7th consecutive year of their majority. Yet if someone were to take a close look at the strategy and tactics of the Senate Democratic leadership, they would think the roles were reversed.

Democrats are the majority. They have even enhanced their majority by breaking the rules of the Senate to give themselves more power. Indeed, they have not been a bit reluctant to overreach.

Part and parcel of having a majority in the Senate is control over the Senate's schedule and committees. Yet still we see what we saw today from my friends on the other side of the aisle.

Under the Senate rules, tax policy matters, including the tax extenders, are referred to the Senate Finance Committee. Trade adjustment assistance, which was also included in this bill, also falls under the jurisdiction of the Finance Committee.

The Finance Committee processed tax extenders in a bipartisan fashion last year and that legislation was eventually enacted into law. The committee has also been able, though without as much bipartisan support, to deal with the TAA in the recent past.

Yet now what do my friends want to do? They want to ignore the Senate rules, the expertise and proper role of the Finance Committee, and pass a complicated set of policies on the floor without discussion or debate. With regard to tax extenders, Finance Committee staff from both parties have, in only the past few days, started the process of developing tax extenders legislation.

To put it bluntly, the majority leader's partisan actions today make a sham of that deliberative, methodical, and constructive bipartisan effort.

Why are they afraid of going through regular order? They are the majority. Including my friend, the chairman,

there are 13 Democrats on the Finance Committee and only 11 Republicans.

What are they afraid of? Don't they set the committee agenda? Don't they have the votes?

Political stunts, such as unanimous consent requests that are designed only to draw objections from the other side, may be good political fun for the proponents, they might even provide some good campaign fodder, but they don't solve any problems.

It is amazing to see this kind of activity from the Senate majority party when it controls the agenda both on the floor and in the committees. We might expect these kinds of actions from a frustrated minority party that feels shut out of its role in committees and on the floor, but here we have a role reversal.

I am currently a member of the minority party in the Senate, defending regular order, Senate customs, and the role of the committee system. I will reiterate my challenge to my friends in the Senate Democratic leadership: Why are you so afraid of regular order? Why not process this legislation in a careful, methodical, and transparent manner?

Being in the majority means being accountable. Today my friends on the other side of the aisle tried, once again, to avoid accountability in order to blame their own failings on Republicans. As the saying goes: That dog just won't hunt.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. If I may, before the Senator from Utah leaves the floor, he correctly stated the state of the Senate today. It is not the same body it was only a few years ago in the way we are being treated. It is a very discouraging development, as we approach the end of the year, to see the way the Senate deteriorated under the current leadership.

I thank the senior Senator from Utah for pointing out that it was not too long ago that the two parties actually functioned on issues such as the majority leader was trying to ram through today without any committee consideration.

Mr. HATCH. The distinguished minority leader expresses it very well. I am appalled. I have only been here 37 years, but I have never seen the rules violated as they have been—frankly, violated in a way that is destructive to the Senate, not helpful or constructive to the Senate. This is just another illustration. Our side is getting very sick of it.

Mr. McCONNELL. I thank my friend from Utah.

STIFLING DISSENT

Earlier this year the Internal Revenue Service admitted responsibility for an incredible abuse of power. In the midst of an election season, it targeted and harassed Americans for the supposed crime of thinking differently. An agency with access to some of the most

personal information of every tax-paying American betrayed their trust. In doing so, it showed the lengths to which this administration will go to stifle those who dissent from its policies. All of this was and remains a complete outrage.

It is the kind of thing we might expect from a banana republic or a third-world dictatorship, not the world's leading democracy. The worst part is we still don't know everything that happened or if it is still going on. That is because the bipartisan investigation into all of this still hasn't concluded.

It is unclear to me how seriously the White House is taking this investigation. In many ways it seems to have treated the scandal more as a public relations problem to get past than a serious problem to solve and now, get this, they expect the elected representatives of the people to roll over and rubberstamp a new Presidential nominee to head the IRS. They want Congress to forget what happened and simply move on. They expect us to clear the way tomorrow and let them ram through the President's new pick to run the IRS. The American people deserve answers about how and why this targeting happened. They deserve justice too.

I will not be supporting any nominee to lead this agency until the American people get the answers they deserve. Of course, the Democrats in charge of the Senate changed the rules a few weeks back in order to ensure they could get their way on nominees, no matter what the American people think. It is the same kind of attitude we have seen on the Defense bill, where the majority leader prevented other Members from offering amendments. They will do what they want, even if it means breaking the rules.

If John Koskinen does find himself confirmed tomorrow, I want him to know a few things. First, he should understand I don't hold any animus toward him personally. Under different circumstances, I might well have been able to support him. We had a good conversation when we met recently to discuss his nomination, but he is also someone I will be keeping a close watch on, as will the other members of my conference, as will the American people, because big challenges lie ahead for the next IRS Commissioner, no matter who he or she may be.

We expect the next IRS Commissioner to cooperate fully with the ongoing investigation into this scandal. We expect whoever is eventually confirmed to hold those who broke or bent the rules fully accountable. We expect the next Commissioner to fairly implement the laws he or she is charged with executing.

To his credit, the nominee has assured me he agrees with me on a topic I feel very strongly about—that the IRS should stay out of regulating political speech. Let me say that again. The IRS should stay out of regulating political speech. He told me himself he

agreed with that, and I was pleased to hear it.

Were he to become Commissioner, I would expect him to oppose the extremely misguided proposed IRS rule that aims to overturn more than 50 years of settled law and practice by unfairly targeting the speech of those who criticize the administration while leaving its supporters untouched.

This proposed role, which will redefine what social welfare means in order to target certain groups that seek to educate the public, would end up penalizing Federal, State, and local organizations for the supposed crime of providing information, much of it non-partisan or bipartisan. The goal is clear: to make it easier to push through the backdoor what congressional Democrats have been unable to pass through the front door, discriminatory policies that seek to silence those who dare to oppose them. It is just the latest in a long and troubling pattern of Chicago-style tactics under this administration, and it is exactly the kind of political meddling the next Commissioner needs to ensure never happens again.

Let us not forget, the IRS should be a boring place, an impartial agency of tax collectors, not the vanguard of the left.

The next Commissioner needs to see to it that the organization finally returns to its mission, and he or she needs to root out those who would have the IRS target Americans for the way they think.

Lastly, as I have told the nominee, I am deeply concerned about the IRS role in implementing ObamaCare. The fact is that ObamaCare represents a dramatic expansion of the use of the Tax Code to pick winners and losers. It gives the agency broad new responsibilities for enforcing ObamaCare's most onerous mandates and to hand out nearly \$1 trillion in taxpayer subsidies. And in order to do all this, it will need to know who has insurance, penalize those who don't, and determine who is eligible for subsidies and how much they ought to receive—something the agency has a very troubled history in doing with other programs. If they get any of that wrong, they will need to come back and repossession subsidies after the fact.

In my view, the IRS doesn't have any business snooping even further into the lives of our constituents, especially at a time when it is already under a cloud of scandal. It is just one of the many reasons I opposed ObamaCare in the first place and why I continue to oppose it.

If the nominee is to become Commissioner, then at a minimum I expect him to hold the agency to the highest standards—the highest standards—when it comes to protecting the privacy of the people we all represent. I expect him to provide regular transparent updates to Congress on the status of implementation and to let us know of any problems as soon as they

arise. The last thing we need is for the IRS to compound the pain it and ObamaCare have already inflicted upon the American people by allowing fraud and further mistreatment to happen under its watch. The IRS has done a lot to lose the trust of the American people. It will need to do a lot more to regain it.

Following the advice I just laid out will put the IRS on a better path. If this nominee ends up becoming the next Commissioner, that advice will form the criteria upon which his performance will be judged.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from New Jersey.

#### TAX EXTENDERS ACT OF 2013

Mr. MENENDEZ. Mr. President, I come to the floor to call attention to a critical provision in the Tax Extenders Act, which I wish had received consent because it is important for creating prosperity and economic opportunity in our country and giving certainty to businesses in order to achieve that goal. That Tax Extenders Act provides our Nation's most innovative businesses with some certainty as they plan their investments for next year.

Every year the Congress extends a very popular law that provides a tax credit to businesses for certain research expenses. This credit is important for a number of reasons. It creates jobs, it encourages more research, and it bolsters U.S. competitiveness.

Unfortunately, despite the efforts of a number of us here in the Congress—notably, the distinguished chairman of the Finance Committee—this credit is temporary and has been extended on what has been an annual basis. That is unfortunate because the lack of long-term certainty prevents businesses from fully relying on the credit when making their global investment decisions.

I know the Presiding Officer understands this very well, as the State of New Jersey has some of the leading innovative companies in the world that very often rely on the research and development tax credit to make those millions and sometimes billions of dollars' worth of investment in order to produce the next lifesaving or life-enhancing drugs or the next technology breakthrough.

In the meantime, at the very least, we can ensure the credit is extended. If we can't make it permanent, it should be extended in a timely fashion to give businesses confidence in putting more investment in research in the United States in 2014. This bill would extend the research and development tax credit for another year, and I sincerely hope we will be able to get this done very soon in order to maximize the credit's effectiveness and unlock that investment which creates economic opportunity and jobs and growth in our economy.

I yield for my colleague the senior Senator from Ohio to discuss another important provision in this bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I thank the Presiding Officer and the Senator from New Jersey, and I ask unanimous consent that the Senator from Washington be allowed to speak following my comments on the extenders.

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

Mr. BROWN. Mr. President, I am here to join my colleagues in asking for unanimous consent—which we will do formally later on—to pass the Tax Extenders Act of 2013.

The bill will do a number of important extensions, including—particularly important for my State—extending the health care tax credit or the HCTC. It is important that we extend it for workers and retirees who lose their jobs and benefits due to no fault of their own.

Extending the HCTC preserves a program that people in my home State of Ohio—such as Delphi salaried retirees, who worked hard and played by the rules—know, understand, and trust. These tax credits are set to expire in just 2 weeks, at the end of the year.

While affordable health insurance will be available on the health exchanges, one of the most important aspects of the Affordable Care Act—ObamaCare—extending the HCTC ensures that retirees who have already faced a number of transitions can keep insurance that is familiar to them while they learn about new options.

Extending the tax credit for 1 year is fiscally responsible. We could and should do more. We should improve the HCTC and make it permanent, as I proposed in legislation I introduced along with Senators ROCKEFELLER, STABENOW, HIRONO, and DONNELLY. But in the meantime, we could and should at the very least maintain this critical tax credit for a population that needs it desperately. That is what this bill does. That is why the Senate should move it soon by unanimous consent.

I would like to take a moment to emphasize how important the Tax Extenders Act of 2013 is on a number of other issues besides the HCTC and credits my friends have discussed.

Among other important measures, we should also move to extend the new markets tax credit and the low-income housing tax credit. These programs are oversubscribed and are able to help revitalize communities by leveraging tens of billions of dollars in private investments. They are among the best programs we have for economic development in Ohio and across the country. I strongly support that extension.

Finally, I would like to associate myself with Senator STABENOW in calling for unanimous consent to pass the Tax Extenders Act of 2013 in order to extend mortgage debt relief. Without this critical extension, homeowners who make modifications to their mortgage or receive loan forgiveness could face a crippling tax bill. Imagine that. After you have done a loan modification, you

are taxed on whatever money you save. Imagine getting that tax bill. That is why the mortgage debt relief extender is so very important.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I wish to thank Leader REID, Chairman BAUCUS, Senator SCHUMER, Senator STABENOW, Senator WYDEN, Senator BROWN, and Senator MENENDEZ for coming to the floor to talk about this important issue of tax extenders and why we need to get them done now.

In the State of Washington taxpayers are opening the morning newspaper and finding the Seattle Times editorial entitled “Congress should extend the sales-tax deduction.” The Seattle Times has been following this issue for years and knows that taxpayers are waiting to find out whether we can continue to deduct our sales tax from our Federal income tax obligation. As Washington is a State that doesn’t have an income tax, we want parity with other States and we want to be able to deduct our sales tax as one of those taxes from our Federal tax obligations.

Every year millions of Washingtonians have to wait to find out whether that particular tax provision is going to be extended. I want to make it permanent, and I hope when we do tax reform we will be able to do so. But in the meantime we have to give certainty to the taxpayers in Washington State that as far as these important tax policies are concerned, Congress can act and get things done.

Mr. President, I ask unanimous consent to have printed in the RECORD that particular Seattle Times editorial.

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

[From The Seattle Times, Dec. 18, 2013]  
EDITORIAL: CONGRESS SHOULD EXTEND THE  
SALES-TAX DEDUCTION

Congress needs to end its magical thinking and pass a permanent federal income tax deduction for state and local sales tax.

Year after year, Washington state taxpayers are forced to play Congress’ aggravating game of fantasy role-playing. Alas, there are no elixirs or elves, although there are a few ogres.

In this game, Congress pretends it will magically transform into a body capable of passing a comprehensive tax bill. Such a bill would almost assuredly include a permanent federal income-tax deduction for state and local sales taxes, on par with the existing permanent deduction for state income taxes. This matters because some states, such as Washington, have the former, but not the latter.

Instead, every year since 2004, Congress has passed a temporary extension of the sales-tax deduction. Next year, fantastical thinking goes, will be the big fix for the tax code.

Washington’s delegation, led for years by U.S. Sen. MARIA CANTWELL, has tried to pop this absurdity. So too this year, with Rep. DOC HASTINGS, R-Pasco, hammering away. President Obama is on board, recommending a permanent sales-tax deduction. But the U.S. House left town on Friday for the year

without so much as another temporary extension, effectively ending the deduction beginning in 2014.

This is big money for Washington state. An analysis by the Pew Charitable Trusts released this week shows Washington is the state most dependent on the sales-tax deduction, with 29 percent of filers in the Evergreen State claiming it. The top seven states all have limited or no state income taxes. Filers who claim the deduction typically save about \$500 off their tax bill.

The fantasy game will likely resume on Jan. 6: Congress could pass a retroactive exemption, allowing deductions for the full 2014 calendar year. They could even pretend it had never expired, and, with a sprinkle of pixie dust, wipe clean the memory that the 113th U.S. Congress was the least productive in the history of the country, passing just 56 bills as of Friday.

Congress should end this game. Pass a permanent sales-tax deduction.

Ms. CANTWELL. At New Year’s, as the ball drops in Times Square, a number of other tax provisions are going to expire, and the lapse of these important tax provisions makes it harder for Americans to invest in clean energy, to hire veterans, to pay for public transportation, and to build low-income housing.

As my colleague Senator BROWN was discussing, the Tax Extenders Act of 2013 is about providing predictability and certainty to citizens and to American businesses about tax benefits and investments.

On January 1 the commuter tax benefit will expire. That will mean an increase in household expenses for 2.7 million public transit commuters. In King County, which is the county Seattle is in, more than 1,600 employers use the commuter tax benefit to enable employees to get to and from work.

If you have ever been in the Puget Sound area, you know that transportation and traffic are big issues for us. So, obviously, trying to defer some of that traffic congestion by getting people into commuter transportation is a key part of our strategy. But if we take away the certainty and predictability of tax deductions with regard to commuting, we are going to make our transportation problems worse.

On New Year’s Day the tax benefits for those employees who take public transit will be cut nearly in half, from \$245 to \$130 per month. We need to extend this benefit as a matter of tax fairness.

Transportation is the second largest expense in an American household. American families should be able to choose whether they want to drive or take public transit, and they shouldn’t be punished because they are taking a bus or ferry or train.

Across Washington State we have seen firsthand how the other tax extenders help to actually create an environment of certainty and predictability for jobs and job creation. These are bipartisan principles we can all get behind.

Of particular importance to me, as I said, is the State and local sales tax deduction, which affects many people in

our State. Individuals living in other States with a State income tax are not faced with these same challenges. Alaska, Florida, Nevada, South Dakota, Tennessee, Texas, and Wyoming are all in the same boat, and I am sure these citizens would want to have the sales tax deduction certainty and predictability. As a result, an average of \$640 in deductions is real money back into people's pockets when they itemize those various tax benefits.

We hope this won't continue to be a burden placed on Washington State. We need these tax extenders now.

Additionally, there are other credits, such as the new market tax credit, which is a great program for encouraging investment in challenging areas of our country; the biodiesel tax credit; and the veterans work opportunity tax credit, which is a tax credit to encourage employers to hire veterans. We have had many of these events around Washington State, talking to employers who have successfully used this tax credit. There is also the low-income housing tax credit. I am sure the Presiding Officer probably has projects all over his State that have benefited from the low-income housing tax credit. This is a great incentive to get more affordable housing built in hard-to-serve areas and challenging areas because of high cost. I have already mentioned the commuter tax benefit. All of these are tied to job creation.

Instead of giving predictability and certainty on tax credits, here we are not getting our job done. We should get this done as soon as possible. It is time for Congress to extend these important provisions and to make plans accordingly.

I hope the IRS could be given the predictability and certainty as well in the new year about these provisions so that we are not delaying or affecting the tax season at the end of next year.

The time to act is now, and I hope my colleagues will help us get these measures—which are usually renewed in a bipartisan fashion—done as soon as possible.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first I thank my friend and colleague from Washington for her passionate advocacy, and I join with her and other colleagues today in supporting the unanimous consent request to pass immediately the Tax Extenders Act. There is no reason not to get this done, as colleagues have said—absolutely none.

We are in a situation where there are critical tax policies that will directly affect families. Middle-class families across the country are going to be hit by a number of different policies. Small businesses, large businesses, and a number of different entities will be affected if we don't get this passed.

I would like to specifically talk about an urgent priority I have been offering, which we have been able to

shepherd through a number of different times, which needs to get done as a part of this package or by itself, however we want to do it. We need to make sure struggling homeowners across the country—and in terms of all of the economy as well—are able to continue using tax policy to protect them from not only being hit with a mortgage problem that puts them underwater and struggling to keep their homes but an extra tax bill on top of it that makes absolutely no sense.

Let me explain that. At the end of the year, a law I offered back in 2007 to protect homeowners against unforeseen and unfair tax bills is set to expire. Before this law, when a portion of a distressed homeowner's mortgage was canceled—either in a loan workout with a bank, a short sale, or even a foreclosure in some instances—the IRS treated the canceled debt as taxable income. Think about that: You are already struggling with your home. You could lose your home. Or maybe you are able to refinance in some way, work with the bank, get a short sale, and then on top of that get a tax bill for whatever the value was of what you were able to work out. It makes absolutely no sense. It is, frankly, outrageous.

The IRS was telling homeowners that money they had already lost on their home was income, so we have essentially been correcting that since 2007 through a tax change. The IRS before that was taxing families on what is considered phantom income at the worst possible time for the family.

With the onslaught of the housing crisis, Congress recognized how critical it was to protect struggling homeowners from paying this kind of tax on mortgage debt relief. In 2007, we provided tax relief for homeowners by excluding mortgage forgiveness from their income for tax purposes. It made sense then, it makes sense now. It expires at the end of the year.

We came together on a bipartisan basis. We said to millions of working families, middle-class families struggling to keep a roof over their head for their families that: If you are struggling with an underwater mortgage, the IRS shouldn't kick you while you are down. You can seek relief without having to worry about incurring a massive tax bill.

This provision has aided millions of families and helped enable the housing market to begin to recover. However, in too many areas of the country and for far too many homeowners, the housing crisis is far from over. Nearly 6.5 million homeowners are still underwater in their mortgages. They owe more than their homes are worth. That includes 250,000 hard-working families in Michigan. Nearly 13 percent of homeowners nationally are underwater. Again, 18 percent are in Michigan—above the national average.

It is critical that we extend this provision, and it is very important it be done before the end of the year. It

needs to be done ahead of time so homeowners know what the IRS rules are going to be in 2014, as they are literally making decisions today, tomorrow, the next day, over Christmas. They need to know. If we don't act, homeowners who are offered relief from their lenders or are thinking about a short sale won't know if they will be hit with a major tax bill as a result, and that will affect decisions being made.

On average, underwater homeowners owe \$53,000 more on their mortgage than the market value of their homes. In some cases, of course, it is much more. For a typical middle-class family, that could mean a tax bill of more than \$13,000. Merry Christmas. It is \$13,000 tax bill you shouldn't be paying as you are trying to figure out how to protect your home. Who would want to take that risk?

Brokers and housing counselors in Michigan have been asking me what they should be telling homeowners, and we need to act right now so we can tell them they don't have to worry about this.

This is not just about fairness for homeowners. This is about keeping the housing recovery alive. The last thing we want to do is to tax people into foreclosure, where they feel their only option is default and walking away from their home.

As we have seen in so many communities, foreclosures and vacant properties destabilize neighborhoods. I can walk from community to community in Michigan and show where that has happened. They push home values down. We can't let that happen at a time when the housing market and the economy are finally recovering. We all have a stake in extending this important tax protection for families.

I ask unanimous consent to have printed in the RECORD a letter from the National Association of Realtors, and one from over 200 housing consumer and community organizations urging us to act now.

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

NATIONAL ASSOCIATION  
OF REALTORS,  
Washington, DC, September 27, 2013.

DEAR SENATOR: On behalf of the more than one million members of the National Association of REALTORS®. I urge you to co-sponsor S. 1187." This bipartisan legislation, introduced by Senators Stabenow and Heller, would extend the current law provisions that allow tax relief for homeowners when lenders forgive some portion of mortgage debt they owe. First enacted in 2007, this critical provision has helped millions of financially distressed American families. Unfortunately, the provision is temporary and is currently set to expire at the end of this year. Securing this extension is among our highest priorities for 2013.

Today's housing market is finally beginning to recover from a devastating multi-year decline. However, this recovery is uneven, and there are still too many homeowners who find themselves in foreclosure, contemplating a short sale, or attempting to

have an existing loan restructured. Our estimates show about 9.6 million homeowners whose homes are still worth less than what they owe on them. This means that about 20 percent of all homeowners with mortgages in the U.S. are "under water." In addition, the Mortgage Bankers Association estimates there are still 1.45 million homes in the process of foreclosure. This is down from the peak of just over 2 million, but way above the average of about 430,000 from the pre-housing crisis period of between 2000 and 2006. It is clear that timely enactment of this bill is critical to the ongoing recovery of the housing market.

If S. 1187 is not enacted, hundreds of thousands of American families starting next January will have to pay income tax on "phantom income." They will owe tax on money they've already lost and will be required to pay that tax at a time of dire hardship, when they are least likely to have the means to pay it. Moreover, if the mortgage debt forgiveness provision is allowed to expire, many distressed homeowners may decide to take a pass on opportunities for short sales, opting instead for continued default until foreclosure or simply to walk away from the property. Either way, this would destabilize the communities where such homes are located, as foreclosed and vacant houses drive down values in the surrounding neighborhood.

We hope you will join Senators Stabenow and Heller to cosponsor S. 1187. Please contact Seth Hanlon with Senator Stabenow ([seth.hanlon@stabenow.senate.gov](mailto:seth.hanlon@stabenow.senate.gov) or 4-4822) or Scott Riplinger with Senator Heller ([scott.riplinger@heller.senate.gov](mailto:scott.riplinger@heller.senate.gov) or 4-6244) to be added.

Sincerely,

GARY THOMAS,  
2013 President.

AMERICANS FOR FINANCIAL REFORM,

Washington, DC, December 6, 2013.

DEAR SENATOR, We write to urge you to support S. 1187, the Mortgage Forgiveness Tax Relief Act.

Extending the qualified principal residence indebtedness exclusion (QPRI) is of critical importance as we work to resolve the housing crisis. More than six years after the mortgage market imploded, we have still not returned to pre-2008 foreclosure levels. In the next year, many more homeowners will receive loan modifications with principal reduction under HAMP, the National Mortgage Settlement, or through private, proprietary modifications. The recent settlement with JP Morgan Chase, which requires a minimum of \$1.5 billion in principal reductions, further ups the ante. Homeowners who need a principal reduction on their mortgage in order to avoid foreclosure should not face a tax bill. The imposition of tax in these circumstances undermines national housing policy.

The extension of QPRI will allow many homeowners to remain in their homes, paying on their mortgages, restoring some small measure of financial stability to their lives and to their communities. Extension of QPRI has received uncommonly wide bipartisan support across the entire spectrum of stakeholders.

We would ask that you go further, as well. QPRI has never reached the majority of homeowners who need principal reductions because QPRI is, as a practical matter, only available to homeowners receiving reductions on their purchase money mortgage. Homeowners who refinanced and received cash-out, or who paid off medical bills or student loans, or who took out a home equity loan to address deferred maintenance on their homes, cannot use QPRI to avoid paying income tax, even though they will have

no additional income with which to pay the increased taxes and even if they remain deeply underwater after the loan modification. For example, under the terms of a recent principal reduction modification offered a Connecticut homeowner, the homeowner would, after the modification, owe nearly \$250,000 more than the house is worth and face an increase in their annual taxes of over \$10,000 a year, for three years, on a total annual income of only \$71,000. In order to protect homeowners who need principal reductions from adverse tax consequences and to promote tax equity, QPRI should be expanded to include all residential mortgage debt forgiven due to a decrease in the value of the home or the homeowner's financial condition.

The Mortgage Debt Forgiveness Tax Relief Act expires on December 31, 2013. Principal reduction modifications entered into after this date, including those authorized by the recent settlement with JP Morgan Chase, will result in additional tax consequences for homeowners. Without an extension, far fewer modifications will be done and the modifications done will be less sustainable, with wide-reaching consequences for homeowners, the communities they live in, and our national economy. The settlements with some of the large financial institutions which are finally providing modifications with principal reductions for qualified homeowners should not end up penalizing the homeowners who have waited so long for assistance.

An extension of the Mortgage Debt Forgiveness Tax Relief Act cannot wait for a more global tax reform bill; it should be enacted swiftly.

Sincerely,

NATIONAL SIGNATORIES.

Ms. STABENOW. Mr. President, this is a bipartisan initiative which I have introduced with Senator HELLER and 18 other bipartisan cosponsors. To my knowledge, it is not controversial. There is no excuse not to act before we leave, and I urge colleagues to do so.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Michigan for her heartfelt words. I couldn't agree with her more. I thank the majority leader and my colleagues from Ohio and New Jersey as well for recognizing the importance of this package of tax relief.

The Tax Extenders Act of 2013 would extend tax relief which business and middle-class families in my home State of New York and across the country depend on. They are noncontroversial. They have received bipartisan support in the past. And because of the great uncertainty over our economy, doing this quickly and not saying we will do it 3 months after they expire makes a great deal of sense. I know my colleagues on the other side of the aisle have objected to all of these. I hope they will reconsider, because for the good of the economy—which is just beginning to pick up a little bit—we need to do these extenders.

I am going to talk about four of them, but one is particularly critical because it doesn't work very well retroactively. The others do. That is why I urge my colleagues to reconsider and will ask for a separate UC before

we leave here on this particular one because it has particular need right now, and that is the mass transit commuter tax benefit.

There are about 700,000 commuters in the New York metropolitan area, including from the Presiding Officer's home State, who take advantage of this current incentive. The commuter benefit currently covers up to \$245 a month from a person's income to pay for their mass transit commute to and from work. So whether you take the subway, bus, train, or drive to work and park, the benefit provides significant savings.

The tradition, unfortunately, in this Senate and in this Congress was to treat mass transit as a second-class citizen, because the benefit traditionally had been significantly greater for those who drive and park than for those who take mass transit, and we have had serious problems.

First, until we changed it a few years back, the mass transit was half the benefit of parking and driving. Second, it was not indexed for inflation the way the parking benefit was. So if we let this provision expire, the mass transit benefit will revert to \$130 a month, while those who drive and park will actually get an increase to \$250 for 2014 because of inflation.

We cannot let these transit benefits for mass transit users get left behind. To do them is a win-win. It is a win, of course, for those who use mass transit—and we have so many in the New York area. It is also a win for drivers, because every person who is encouraged to use mass transit by this benefit will actually take a car off the road, remove some degree of congestion, and allow drivers to move more quickly. And, of course, it is a win for our environment, because mass transit is a far more effective way environmentally of moving things along.

So when the leader a few minutes ago requested the Senate pass the tax extenders act, I was disappointed it was blocked, and particularly disappointed that this benefit was blocked, because while we can do it retroactively, it is harder to implement than the others that are done retroactively, because most of them take effect when you pay your taxes in 2015, whereas this one takes effect month by month.

The proposal we are asking for is exactly the same as was included in the bipartisan negotiated tax extenders package considered by the Senate Finance Committee and passed by the Senate on a bipartisan basis for one additional year, through 2014. I hope we will consider it now, not retroactively later next year as we did last year. Employers need to plan whether they will provide the benefit. Commuters need to elect to take it. And as I said, it is done on a monthly basis. You can do it retroactively, but it is much harder.

I know we have lots of problems here between the parties, but we should not hold the mass transit commuters of America hostage. We should not make



them second-class citizens. Their deduction is every bit as important, every bit as justifiable, as for those who drive and park. I hope my colleagues, before we adjourn this year for the Christmas holiday, would in the Christmas spirit extend this benefit.

Now I wish to talk about a few other credits which are also part of the package being blocked right now. One is the new market tax credit. Individuals and businesses across my State are counting on the new market tax credit. The new market credit program was created to stimulate private-sector investment in economically distressed communities. It has done exactly that. I have seen it work in Buffalo, Rochester, Syracuse, and the capital district in New York.

Over the first decade of the program, \$20 billion in new market tax credit investment leveraged an additional \$25 billion in capital from other sources to finance economic development in communities where financing might be difficult to come by.

The program is a proven job creator. Between 2003 and 2010, new market tax credit investments created over 500,000 jobs across the country. Again, it has always had bipartisan support. It is sort of a no-brainer. It should be continued.

I will now talk about the short line rail tax credit. It is a little like the new market tax credit in that it is a tax credit which encourages private investment and jobs.

We have short lines all across the country. They connect the main trunk lines on rail to the more isolated regions. But in those somewhat isolated regions are factories. We have opportunities for tourism, say, in the Adirondacks, and the short line rail tax credit helps maintain and renovate the short line rail system.

Rail is very prosperous these days. The big carriers can maintain the trunk lines very well. But it is harder to maintain the short line, and Congress in its wisdom decided to give a tax break for those. If you are unfamiliar, the short line rails are a web of tracks all over the country connecting local businesses and manufacturers to interstate rail systems. The unheralded links that bring raw materials into our businesses and connect them with other cities and supply chains must be maintained. Over 50 percent of rail track in my home State is short line rails. Approximately 550 short line railroads provide 50,000 miles of track in the country, and the credit is extremely useful in my State, financing hundreds of thousands of dollars of rail infrastructure investment annually. It is used all across the country. We have 42 bipartisan cosponsors in the Senate for this legislation. So I hope we will consider this one and pass it.

Finally, the IRA rollover. The IRA rollover provision is also set to expire, affecting so many retirees. They need to know whether it will be extended in order to plan their charitable giving in

the coming year. If it isn't extended, many taxpayers over 70½ years of age will be surprised with a tax bill when they transfer funds from their IRA to their favorite charity in 2014. So this is important and, again, is one that truly is in the Christmas spirit.

In conclusion, businesses, families, retirees will pay the price if all of these valuable tax relief provisions, and many of the others mentioned by Senator REID, are not extended by the end of the year. I would hope, in the same spirit of comity that we passed the budget, we could come together and pass these extenders. They have always had bipartisan support. They are, after all, tax reductions. I know my colleagues on the other side of the aisle believe in tax reductions. To delay them and do them retroactively would be doing a disservice to our economy and to the millions of Americans who are working or seeking work in our country today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I commend my colleague from New York for a very fine statement. He and I sit next to each other on the Finance Committee, and we are going to be working very closely together on these issues.

I have long felt that the best choice in terms of looking at these tax issues is comprehensive tax reform. The reality is the Tax Code in America is a dysfunctional mess. It is 100 years old at this point. I think it is pretty fair to say it looks its age every year.

When it comes to energy—and clearly a lot of Senators on both sides of the aisle have done a lot of work on this—my preference would be Congress would simplify the various energy provisions, replace the dozens of separate incentives for each energy technology with fewer technology-neutral, performance-based incentives that bring us to a more level playing field in the energy area—a more level playing field, and one where there would be certainty for those who are going to do the innovation—those in New Jersey, Oregon, and elsewhere, who have those kinds of breakthrough innovative ideas and who are telling us that they badly need to get off this roller coaster of extenders and have some real predictability for the important innovative work that needs to be done.

Those kinds of incentives should take into account important policy goals of domestic energy security and reducing this country's carbon footprint, while getting the Tax Code more out of the way and letting the free market decide which technologies break through and ultimately succeed. It is my view that what Chairman BAUCUS released yesterday—and he consulted with us extensively—certainly has some promising ideas in that regard.

With respect to where this debate is now, I think it is important to be clear about the challenge. It looks more and

more like the other body has in effect decided to, if not slow walk tax reform, certainly take its time. Last month the news in Washington was full of headlines about various discussions among the House leaders. You got the sense—I will let them speak for themselves—on tax reform issues they apparently were going to take their foot off the gas. It does not seem the other body is poised to move forward any time soon on comprehensive tax reform. Because there is little indication the other body is going to move on this, my view is letting the incentives for the renewable energy resources—in particular solar and wind and other renewables and energy efficiency—in effect get thrown overboard, in effect sacrificed on this altar of inaction, would be a huge mistake. If we do that, we are talking about putting at risk thousands and thousands of American jobs in industries that are critical to our country's energy, environmental and economic security.

My view is that having these employers and having these innovative, cutting-edge technologies fall off the cliff would be a mistake. That is why it is critical Congress address and extend these key energy tax benefits as soon as possible.

Until the Congress takes the prudent step of broad-based reform of our tax system, the American people should not be left hanging. We ought to minimize the roller coaster of uncertainty that has been a drag on growth in recent years. Passing the Tax Extenders Act of 2013 and extending these important expiring provisions delivers a measure of confidence and continuity, and it builds a bridge between the current tax system and where all Members of Congress ought to hope we end up; that is, with a modern, progrowth Tax Code, worthy of the American economy and ready for the 21st century.

I have been interested in the subject for a number of years. I can briefly recount some of the history. Rahm Emanuel, now mayor of Chicago, and I introduced the first comprehensive reform effort when he was still in the other body. We were not even able to get a Republican to join us in that effort.

Then Senator Judd Gregg, our former colleague from New Hampshire who sat across from me on a sofa every week for 2 years—and I were able to come together with a tax reform proposal, much of which I continue to believe is valid. Then our current colleague Senator DAN COATS was willing to work with myself and Senator BEGICH and others and he made important contributions. We very much need to have a modern progrowth, pro-entrepreneurial Tax Code that is up to the challenges of the 21st century. That is my first choice.

That is not what is in front of us today. Clearly, when the House made the decision to pull back for various reasons, we were faced with the question of whether we were just going to

sit by and, as a result of inaction, see these important renewable energy industries and the jobs they represent sacrificed. I hope the Congress, on a bipartisan basis, will say that is not acceptable and pass the Tax Extenders Act of 2013 on a bipartisan basis.

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

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

ENERGY SAVINGS AND INDUSTRIAL  
COMPETITIVENESS ACT

Mr. PORTMAN. Mr. President, I rise, along with my colleague from New Hampshire Senator SHAHEEN to talk about the Energy Savings and Industrial Competitiveness Act. This is one of those pieces of legislation we ought to pass around here. It is bipartisan. It is good for the country. It is part of an energy plan for America that can help bring the jobs back, help fix our trade deficit, help make our manufacturers more competitive, help save taxpayers money, and actually help to clean the environment. That all sounds pretty good, doesn't it, and it does so without a single mandate. It does so without any new spending. It is fully offset, and, in fact, I would make the strong argument it is going to save taxpayers a lot of money. Why? Because putting energy efficiencies in place in the Federal Government, the biggest energy user in the world, we are going to see a lot of savings to U.S. taxpayers.

Over the last several months we have been working to clear a few last few hurdles that stand in the way of passing this legislation. I am pleased to say from what I am hearing from the other side of the aisle—Senator SHAHEEN can talk more about this—it looks as though we are going to have a good shot to move this early next year.

Before we leave for the holidays, I wanted to have a chance to talk about it a little bit. I know Senator SHAHEEN did, I know Senator WYDEN, who is here with us, the chairman, and Senator MURKOWSKI, the ranking member on energy, are all highly supportive of this legislation. After all, it got out of the Energy and Natural Resources Committee with a strong bipartisan vote, 19 to 3. This doesn't often happen with regard to energy policy around this place. This is one of those things where Republicans and Democrats alike can come together to do something good for our country.

It is also important we do it now because it gives the economy a shot in the arm at a time we need it. There is a lot of talk in this place about an "all of the above" energy strategy. To me, this fits perfectly with that. On this side of the aisle we talk a little more about the production side. In other words, we ought to be using more of

the energy in the ground in America right now and I think we should. We should be producing more energy. At the same time, the energy we produce we should use more efficiently, and it has all those benefits we talked about earlier if we do that.

We still import a lot of oil. In combination with China it contributes to our trade deficit. In fact, the entire trade deficit one could say is due to energy imports and trade with China alone. By doing away with some of those energy imports, because we are using energy we have more efficiently here, we are going to see lower trade deficits.

The bill creates jobs and that is why it is supported by over 260 trade associations and companies, including the U.S. Chamber of Commerce, National Association of Manufacturers, and others. But it is also good for the environment, which is why the coalition also includes the Alliance to Save Energy, the Sierra Club, and others—again, a big reason this passed the Energy and Natural Resources Committee with a bipartisan vote of 19 to 3.

Simply put, the legislation the senior Senator from New Hampshire and I have worked on for 2½ years makes good environmental sense, makes good energy sense, makes good economic sense. It makes sense to help move this economy forward.

I visited with businesses and job creators all over my State of Ohio. They tell me the same thing. Energy efficiency is critical to their ability to compete. Think about it. We do live in a global economy. We live in an economy where we are competing in Ohio not just with Indiana but with India. As a result, we have to look at our cost of doing business, and one cost of doing business of course is labor. We don't want to compete with developing countries on labor rates. We want our labor rates to be good. We want benefits to be good.

Another aspect we could look at, of course, is the quality of our goods. We don't want to cut corners on the quality of the manufactured product we produce in this country. In fact, we want to make sure we produce the best in the world. But energy is an area where we can cut costs. By making our manufacturers more competitive by reducing their costs, we are going to be able to compete globally, add more jobs in the country, and again be able to help on our trade deficit. That is why this legislation is so important, because what the Federal Government can do is help the private sector take advantage of the best research that is out there, the best practices that are out there, so our companies can reduce their costs putting those savings toward expanding companies' plants and equipment, hiring more workers.

The proposals contained in this bill are very commonsense reforms needed for a long time. Again, there are no mandates on the private sector, none. In fact, many of our proposals come as

a direct result of conversations we had with people in the private sector as to what they actually want and need. That is how we put this together.

It is also about how the Federal Government can become more energy efficient. We talked earlier about the fact that the Federal Government is the largest user of energy in the world. Think about that. Our bill basically says to the Federal Government: Why don't you start practicing what you preach. There is a lot of talk about green energy, green technology, and so on at the Federal Government level. But actually, it turns out the Federal Government itself is inefficient. We have lots of studies that show that.

More importantly, we have ideas to make the Federal Government more efficient and less wasteful. It directs the Department of Energy to issue recommendations that employ energy efficiency on everything from computer hardware to operational and maintenance processes, energy efficiency software, and power management tools. It also takes the commonsense step of allowing the General Services Administration to update building designs to meet efficiency standards that have been developed since those designs were finalized. They cannot do that now. And that makes no sense.

The Federal Government has been looking for places to tighten its belt. Energy efficiency is a very good place to start. It will save taxpayer money and help the environment in the process.

All this adds up to a piece of legislation that Americans across the political spectrum should be able to support, again fully offset, no mandates, and requires the Federal Government to become more efficient. All this makes sense.

What will the impact be? There is a recent study of our legislation that says that by 2025, the Shaheen-Portman legislation is estimated to aid in the creation of 136,000 new jobs while saving consumers \$13.7 billion a year in reduced energy costs by the year 2030. It is the equivalent of taking millions of homes off the grid. It is the equivalent of the entire energy use of the State of Oklahoma, for instance, if we just put some of these commonsense efficiency standards in place.

This legislation is not everything everybody wanted. Some of the environmental groups would like to have gone further, and some of the business groups would probably like to see some other things to help them. But this is legislation that is sensible. It will make a difference. It is bipartisan. It can pass in the Senate significantly, and it can also be legislation that will be mirrored in the House of Representatives and passed.

There is a bicameral interest. A number of House Democrats and Republicans are on board. They are interested in our moving this legislation in part so they can then move legislation in the House and we can get it to the President's desk for his signature.



The Secretary of Energy has made energy efficiency one of his new priorities. So this is something we should and can do.

We all often lament the fact that there is not much bipartisanship around this place and not much is getting done; and it is true. It is true. The budget agreement was good this week. We had to do something. It is far from perfect, as I have said, even though in the end I voted for it because I think we need to move forward on this issue and have a budget for the first time in 4 years. But this is an example of bipartisan legislation that is positive and that can help move the country forward.

Any true, all-of-the-above energy strategy has to include not just producing more energy but using it more efficiently. Produce more, use less. That is good for jobs, good for taxpayers, and good for the environment.

Mr. President, I yield the floor, and I hope we will hear from the Senator from New Hampshire who has been my partner in this effort for the past 2½ years.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am really pleased to be here on the floor today with, as the Senator from Ohio put it so well, my partner Senator PORTMAN in developing this energy efficiency legislation—the Energy Savings and Industrial Competitiveness Act, also known as Shaheen-Portman. It is a long name, but as the Senator from Ohio pointed out, it really goes a long way to address some of the energy challenges we face in this country. It is a win-win-win.

We heard a discussion earlier today about the importance of renewable energy as a way to create jobs. This is one of the most important things about our legislation. It does promote job creation. As the American Council for an Energy Efficient Economy said, 136,000 new jobs will be created by 2025 if we pass this legislation. By 2030, it would net an annual savings of almost \$14 billion—\$13.7 billion for consumers—and it would lower CO<sub>2</sub> emissions and other air pollutants by the equivalent of taking 22 million cars off the road.

So as Senator PORTMAN said so well, this is a win for job creation, it is a win for the environment, it is a win for national security, and it is a win for saving costs.

Senator PORTMAN talked about the importance of continuing bipartisan efforts as we saw this week with passing a budget. As did Senator PORTMAN, I supported that budget as well, despite some of the misgivings I had about it, but I think it was important to work together to move forward on addressing the issues we face in this country. That is exactly what the Energy Savings and Industrial Competitiveness Act would do. It is a bill that will create jobs, lower pollution, and save taxpayer money.

We had a great opportunity to pass this legislation back in September. Unfortunately, we saw some people come to the floor and object because of non-relevant amendments. But we have an opportunity to come back to it in the new year to try to pass it again. I am hoping we can do that.

One reason we are on the floor today is to talk about that second opportunity we are going to have. Senator PORTMAN and I have been working on some of the bipartisan amendments offered for the bill, and we are hopeful some of our colleagues who support those bipartisan amendments, who have authored them, will come on board with this legislation and help us get this passed in the new year.

As Senator PORTMAN said, to date, this legislation has more than 260 endorsements from groups that include business, the environment, think tanks, and trade associations. Supporters include everybody from the U.S. Chamber of Commerce, the National Association of Manufacturers, the Natural Resources Defense Council, and the International Union of Painters and Allied Trades. I think any time we can get the Sierra Club and the American Chemistry Council supporting a piece of legislation, we know we have a good bill that can attract a lot of support. That is where we are in this legislation.

As we know, passage of the bill was delayed by a small group of Senators back in September. But I think there still remains a real interest in debating energy efficiency policy on the floor of the Senate. We have also heard from the House that both Representatives FRED UPTON, chair of the House Energy and Commerce Committee, and ED WHITFIELD, chair of the relevant subcommittee with jurisdiction over energy efficiency, have expressed interest in Shaheen-Portman and have said they will move energy efficiency legislation if the Senate passes a bill.

Since the bill was taken off the floor, Senator PORTMAN and I have continued to work with Chairman WYDEN. He was here a few minutes ago and plans to come back, hopefully, to speak to the legislation. We have been working with Ranking Member MURKOWSKI to incorporate some of those relevant bipartisan amendments that have been cleared by the committee, which I talked about a few minutes ago. If we can do that—if we can include those amendments—it would make the legislation even better, and it would secure additional support necessary to ensure passage. It would allow us, I hope, assuming the leadership agrees, to bring this bill back to the floor.

I am confident we can pass this legislation if we can get it back to the floor. It has bipartisan, bicameral support. It is exactly the kind of smart, affordable energy and jobs bill Congress needs to pass and the President needs to sign in order to spur private sector growth, in order to save on costs of energy, and in order to address some of the environmental issues we are facing.

So I thank Senator PORTMAN, as well as Chairman WYDEN and Ranking Member MURKOWSKI, for all of their help in working with us to promote this legislation and advance the bill. I really look forward to working with those 260 groups, which also include the Alliance to Save Energy—and it is important to recognize them for their support—to be able to bring this bill back, to get it through, and for the first time since 2007 to get some energy policy done in the Senate.

So I thank the Chair. Thanks to my colleague, Senator PORTMAN, we will be back after January.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### DAVIS NOMINATION

Mr. NELSON. Mr. President, I know we are awaiting the arrival of Senator JOHNSON.

I wish to take a moment to express my appreciation to the majority leader for including in the items we will be handling before we adjourn for Christmas the confirmation of Judge Brian Davis to the U.S. District Court for the Middle District of Florida.

Judge Davis has been waiting for 2 years. This is a good example of how things have gone very slowly for a very deserving judge. He has been waiting for 658 days. He has the support of Senator RUBIO and myself. The American Bar Association has found him to be unanimously well qualified to serve on the Federal district court, and it is the ABA's highest rating.

Judge Davis is a native Floridian who grew up African American in segregated Jacksonville, FL, and despite those circumstances was accepted to Princeton for his college education. He returned later to the University of Florida Law School and then became a top prosecutor in Jacksonville and 20 years ago went on the bench as a State circuit judge. He has an impeccable record. He is, in a huge bipartisan way, embraced by the lawyers who have practiced in front of him. Yet it has taken 658 days.

I thank the majority leader and I thank the Senate. I thank Senator GRASSLEY, who initially had concerns, but when he looked at the record he had an open mind, and then he saw the character, the quality, the excellence of Judge Davis.

There are 37 judicial emergencies around the country, and two of them are in the Middle District of Florida where Judge Davis is, and three of them are in the Southern District of Florida. The courts are overburdened, and we need to fill these vacancies.

So I thank the Senate in advance for giving this good man, this excellent jurist, the opportunity to serve in a greater capacity, to serve his country. I want my colleagues to know this is a great Christmas present for me, but it is nothing compared to the Christmas present it is going to be for Judge Brian Davis and his family.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

YELLEN NOMINATION

Mr. JOHNSON of South Dakota. Mr. President, I rise to speak in support of Dr. Janet Yellen to be chair of the Board of Governors of the Federal Reserve System.

As we continue to recover from the worst economic crisis since the Great Depression, we need a strong and thoughtful chairman of the Federal Reserve. We need a chair who has learned from our economic successes and mistakes over the past several decades. We need a chair who understands how monetary policy affects the everyday lives of Americans seeking employment or saving for retirement, and we need a chair who understands the importance of implementing Wall Street reform to promote financial stability. Dr. Yellen has all of these qualities, and she is ideally suited to be the next Fed chair.

Dr. Yellen's experience is unmatched. She currently serves as a member and vice chair of the Board of Governors. She previously served as a member of the Board of Governors in the 1990s. She was chair of President Clinton's Council of Economic Advisors, and she served 6 years as president of the San Francisco Fed.

Dr. Yellen also has an impressive academic record. She is a professor at Berkeley's Haas School of Business and was previously a professor at Harvard University, as well as a faculty member at the London School of Economics. Dr. Yellen graduated summa cum laude from Brown University and received her Ph.D. in economics from Yale.

Dr. Yellen has written numerous research papers on the labor market, unemployment, monetary policy, and the economy. Her expertise in these areas, including her understanding of the relationship between Fed policy and the labor market, would be valuable as we chart the course back to full employment.

But my colleagues do not have to take my word for it. Dr. Yellen's economic expertise is borne out by the facts. The New York Times recently noted that she was "the first Fed official, in 2005, to describe the rise in housing prices as a bubble that might damage the economy." She was also the first, in 2008, to say that "the economy had fallen into a recession."

The Wall Street Journal recently analyzed 700 predictions made between 2009 and 2012 in speeches and congressional testimony by 14 Federal Reserve policymakers and found Dr. Yellen was the most accurate.

At her confirmation hearing, Dr. Yellen displayed her impressive understanding of our complex 21st-century economy. She showed that she understands the complexities of Fed policymaking, and that—although abstract to many—monetary policy has ripple effects that affect the everyday lives of workers, savers, small businesses, and job seekers.

Dr. Yellen has proven through her extensive and impressive record in public service and academia that she is most qualified to be the next Chair of the Federal Reserve. We need her expertise at the helm of the Fed as our Nation continues to recover from the great recession, completes Wall Street reform rulemakings, and continues to enhance the stability of our financial sector. I am excited to cast my vote to confirm her as the first woman to serve as Chair of the Federal Reserve, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before my colleague leaves the floor, I thank him for his leadership of the banking committee in the Senate for now several years and his commitment to try to find the right regulatory framework for the largest banks in our country as well as our community banks. I think the chairman has had a lot of challenges, as we all have, and I thank him, and for his strong advocacy of this particular nominee and for his help on so many issues, one of which I am going to speak about now with my colleagues from Florida and New York.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. President, many of us on both sides of the aisle, from all parts of the country, have been working very hard for the last year—and some of us even longer than that—to try to present good, solid information to the Senate and to Congress about how important the National Flood Insurance Program is in many different dimensions, first of all for those who live along the coast, which is 60 percent of our population in the United States, and those who live on inland waterways, whether it is in the Presiding Officer's State of New Jersey or in States such as Pennsylvania, New Mexico, North Dakota—not near any ocean—or whether it is in States such as Florida or Louisiana that do sit, in Florida's case, on the Atlantic, and in our case the Gulf of Mexico.

This is a very important issue because our businesses and our families have to have a system of very strong levees, smart building codes, and ways of building and expanding our communities with a good flood insurance safety net, if you will, or security net, along with levees that do not break as they did in New Orleans in 52 places and three-quarters of a great international city of half a million people in a region of almost 1.2 million virtually went underwater. We have to do better than that because we are the greatest Nation in the world, we are the greatest economy, and this is an important issue for the Nation.

Some of us in places such as these spend a lot of time thinking about levee infrastructure, flood protection, all of the different pieces. It is not just one piece. Insurance is a very important piece, as my colleague from Florida will explain in a minute. He was a

former insurance commissioner and knows this as well as anyone in this body. But flood insurance is one piece for Americans, some of whom live in low-lying areas, some in flood-prone areas, but they have been there a long time—like 300 years in our case. They did not just move down here in the 1980s. We have been here since the 1780s and the 1680s. So we have been here a long time as a country. We have built up a protection, if you will, of good, solid affordable flood insurance over the last 40 years. We have been building levees a long time. Thank goodness we are building more of them and building them better because our people need them and we could all use more of those. I try to provide funding for that every chance I can as a member of that Appropriations Committee.

Contrary to some of our critics, we are promoting very good policies in this country about smart growth, how to build stronger, higher, more resiliently. We are not blind to the challenges. But we have right now before this body a flood insurance bill that will fix the most pernicious parts of a "reform bill" that was passed 2 years ago called Biggert-Waters with all the best intentions, but it had disastrous—disastrous—consequences for people in New Jersey, Florida, New York, Louisiana, and Texas.

There are 5 million policies.

I want to put up one chart, and then I am going to turn it over to the Senators who want to join me. But because critics say this is just a Louisiana issue or this is just a Florida issue or this is really not about anything other than coastal States, let me put that to rest. That is not factual. It is a damaging myth. You can see here on this chart that all of the flood maps in effect are in purple. These are Mardi Gras colors in honor of our season coming up after Christmas. But these are the flood maps in purple that exist as of July 12. These are proposed flood maps in green and new flood maps in yellow. Literally, there will not be a State in the Union—not one State in the Union; not one—that is exempt from the requirements of Biggert-Waters to produce new flood maps, some of which have not been produced for decades, putting communities that have never been in a flood zone, in a flood zone and then having these pernicious pieces of Biggert-Waters say: OK, you have never flooded, you have never been in a flood zone, but let me tell you, when you put your house up for sale, your rates are going to go up 10 percent. It is like stealing, taking—whatever word you want to call it—the equity right out of someone's home. It is unconscionable, and it must be fixed now—not a year from now but now. These rates have gone up in October, in January.

So I am here to say a couple of things. This is a national issue, No. 1. No. 2, we are very proud of putting together a great coalition. The leaders of this coalition are Senator MENENDEZ

from New Jersey, the Presiding Officer's senior Senator, who has worked so hard; and our Republican leader, for whom everyone has a lot of respect, is JOHNNY ISAKSON from Georgia, who is recognized as an expert in the real estate markets of this country. It is his expertise. We should listen to him when he says real estate markets are going to take a terrible hit if we cannot fix this.

The final point is that this is not just to help homeowners and businesses; it is also to save the program because, as CHUCK SCHUMER, the Senator from New York, has said many times, if we do not fix this, not only will people not be able to afford the insurance but because they cannot, the program will collapse under its own weight of inaccessibility and unaffordability, and then the taxpayers are going to pick up a bigger tab.

We could not make any clearer, stronger arguments. A coalition has come together. We have 60 votes.

I see my colleagues from Florida and New York. I do not know what their schedules are in terms of time. The Senator from Florida is well-versed. Again, as through the Chair, the Senator from Florida served, before being a Senator, as an insurance commissioner. I would like for him to add a word because our goal today is to acknowledge that, unfortunately, because of the difficulties we are having on process, we are not able to get a vote, it looks like, before we leave, but we are under the understanding—and I want to ask the Senator—that Leader REID has agreed to call this bill up for a vote, for a cloture vote, in which we have accepted the 60-vote threshold. We believe we actually have more than 60 votes. We just need to get it up when we come back in early January.

Through the Chair, is that the Senator's understanding?

Mr. NELSON. Mr. President, it is my understanding. But in the newfound felicity and spirit of the season, wouldn't you think that since the real estate market along the coast has dried up—why? Because if you cannot get flood insurance because you cannot afford it, you cannot get a mortgage. If you cannot get a mortgage, there are a lot of folks who cannot buy a house. By the way, those who need to sell their houses cannot get the buyers. So what happens to the real estate market in places such as the Tampa Bay region of Florida, as chronicled by the Tampa Bay Times—an example that a homeowner's present flood insurance premium is \$4,000; under the new bill, \$44,000. That is unaffordable.

What we are merely asking for is that FEMA do an affordability study while this is delayed for a few years to determine what is the affordability.

If this is supposed to be actuarially sound, then that came as a result of huge losses to the program because of an unusual thing—not a hurricane called Katrina but because the waters rose, it put pressure on the dikes and it

breached the levees, and that flooded the bowl called New Orleans, and that caused lots of economic loss, and they are figuring all of that in the flood insurance premiums. And oh, by the way, 40 percent of all those flood insurance policies are in my State of Florida.

Before we hear from the Senator from New York, I want to say this: Floods come from many sources. Obviously, floods come from hurricanes. People used to think hurricanes were Florida's problem. Well, now we know, because of the experience on the gulf coast, they can do an awful lot of damage in many different ways.

But oh, by the way, people up in the Northeast suddenly realized hurricanes are a problem. Why? Because the ocean temperature is rising, and when the water gets warmer, the frequency of the storms is more and the ferocity of the storms is greater. Thus, in a time when it is normally cool water, cold air temperature, all of a sudden we have a major storm that comes to a part of the country that is completely unprepared, and now not only do you have all the damage from the water and the wind—and think what happened all the way up into New England, all the way up into Vermont. You heard about all those rivers that suddenly completely overran and inundated that little town with a lot of water, and they are calling this a thousand-year storm.

But the 1,000-year storm happened a year ago. I am not here to speak about climate change, on which I certainly think we better get our heads out of the sand. I am here to talk about an immediate problem for the people all up and down the coasts of the United States; that is, the affordability of flood insurance. Why would not our colleagues give us a little Christmas present since we have over 60 votes in the Senate, and let's give some hope to those homeowners back home who now cannot afford flood insurance.

I want to hear from the Senator from New York who has been a leader, and his State has suffered. Fortunately, it is going to take folks like him and the great Senator from Louisiana to keep beating this drum to bring some relief to our people who are desperate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to echo the outstanding words of my colleagues from both Florida and Louisiana. They echo the views of many. Everyone says the public is exasperated with the Congress. Our approval ratings are low. They are. Why? It is simply because when huge problems occur that affect ordinary people, we seem paralyzed. What is happening with flood insurance embodies what I am talking about. Average homeowners who purchased flood insurance through the years for \$800, \$1,000, are now being hit with bills of \$4,000, \$5,000, \$6,000. If you are rich, that is nothing. But the vast majority of people who have flood insurance, whether they live

on the oceans in my State or the State of the Senator from Florida or on the gulf of the State of the Senator from Louisiana or on the bodies of water such as the Mississippi or Missouri Rivers, are not wealthy people. You tell them all of a sudden out of the clear blue they have to pay \$4,000, \$5,000, \$6,000 for flood insurance, they do not know what to do. It is a crisis for them. They say to us: Congress, fix this.

This is what we are supposed to do. So in their wisdom, the Senator from New Jersey, the Senator from Louisiana, the Senator from Georgia, the Senator from Florida, myself, many others have come up with a proposal that says: We know flood insurance is broken, but we do not want to see it broken on the backs of average homeowners. We have a plan that will delay these increases until 2017, while FEMA studies affordability, and while Congress reexamines this issue.

There was an affordability study in Biggert-Waters. Somehow FEMA ignored it. We are not letting that happen. So that is why we have to act here. There are three types of people who are in danger. The first are those who know or are about to know they are going to be hit. They have flood insurance already and their costs are going to go way up. The vast majority are middle-class people.

The second are those who will be told: Your insurance will not go up, but when you sell your home it is going to go way up. Any bureaucrat who tells us, well, that does not affect the average person—it affects the value of their home immediately. But it also says they cannot sell their home. In my area, if flood insurance is going to be \$8,000 or \$10,000 or even \$20,000 a year, who is going to buy the home, except at a greatly reduced value?

But, my colleagues, there is a third group. They do not know who they are. FEMA is changing flood maps throughout the country. They will get to your State, unless maybe Utah or a State such as that does not have any flood insurance. I do not know. But the vast majority of our States that either bound the Great Lakes, the Pacific Ocean, the Atlantic Ocean, the gulf, the great rivers—the Mississippi, the Missouri, the Ohio, the Platte—are all going to be affected.

A year from now your constituents are going to come to you and say: Stop this. This will affect the overwhelming majority of States and Senators, even if they do not know it now. So our solution is not an ideological solution, it is not a solution that picks one side or the other. It says: Put a moratorium on this until we can figure it out in the right way that does not put the burden of flood insurance solely on the backs of people who cannot afford it—average folks.

In my State—my good friend from Florida mentioned it—we have people who have struggled to fix their homes from Sandy, spending tens, even hundreds of thousands of dollars. Then all

of a sudden they are hit with a huge flood insurance bill. They are already in debt.

That is not fair. Just when they move back finally into their homes, FEMA comes in and tells them in a year or two they cannot afford to live in those homes they fixed. That is intolerable.

The bottom line is simple. We have a good piece of legislation. We would hope we could pass it by unanimous consent, as my colleagues from Florida and Louisiana said, as a nice Christmas—not present, because it is not a present. These are people who deserve to have this. But it is a nice Christmas thought. But if not, we will come back in January. That is my expectation. That is what the leader has told us. We are willing to go through a cloture vote and bring this legislation to the floor. We expect and hope that we will get the same kind of bipartisan support that has helped us put this bill together with Senators from every part of the country.

I would say to homeowners: It is my hope and prayer and indeed expectation, although around here expectations sometimes are not met, that we will have this bill on the floor and then passed so that homeowners, millions of homeowners across America, can breathe a sign of relief; they can stay in their homes, and flood insurance will be amended in the right way.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield for a question.

Ms. LANDRIEU. Through the Chair, could the Senator explain a little bit more clearly for so many people who are listening to what we are saying this morning, because the Senator has been around here a while in leadership. When the leader, HARRY REID, rule XIV's a piece of legislation, how sure are we that we are going to get what is required and can we be—I have been saying I am very confident this vote will occur sometime in a week or two when we get back. What is the Senator's understanding?

Mr. SCHUMER. My understanding is just that, that in the—even possibly in the first week when we get back, that the leader, having rule XIV'd it, which means he can bring it to the floor right away, can put it on the floor and, of course, then people can demand—those opposed—that we invoke cloture so we can proceed to the bill and then vote on the bill. But if we have 60 votes, we will be able to meet that cloture barrier. So it is my understanding the plan is to actually do it as soon in January as the first week we get back, which I believe is January 6. If we cannot do it then, we will be pushing very hard to do it shortly thereafter.

Ms. LANDRIEU. Is the Senator aware of a comparable effort going on in the House? The Senator has been at a couple of news conferences with us. Could the Senator maybe speak for a minute to explain, does he think there is pret-

ty good support building in the House of Representatives from the Senator's delegation in New York as well as other delegations the Senator might be aware of?

Mr. SCHUMER. I thank my colleague for that question. Exactly. This is affecting so many people in so many parts of the country. It does not affect just Democrats or Republicans, conservatives or moderates, Independents or liberals. The support is building daily. Senators and Congress Members are getting calls from their constituents pleading with them to do something.

So it is my view, it is my understanding that the House is undertaking a very similar piece of legislation. I would expect it would pass the House, where they do not even need the 60-vote majority. I know in my delegation it has bipartisan support. As I understand it, in most delegations it has bipartisan support.

Ms. LANDRIEU. To the Senator from Florida, through the Chair, what is the Senator's understanding of the Florida delegation? The Senator has one of the largest States in the Union and has one of the largest delegations. Is it something that the Senator is sensing people are becoming more and more aware of, not just from the coastal counties but throughout all parts of Florida?

Mr. NELSON. Mr. President, in response to the Senator, the Florida delegation is clearly united in recognizing that if you cannot sell your home because you cannot get a mortgage, because the bank requires flood insurance, and you cannot afford the flood insurance, the real estate market starts to dry up. In a State such as Florida, the real estate market is one of the main economic engines that fuel the ability of people to have work and to be able to support their families. As a result, we are seeing in places along the coast with—taking examples: That was a tenfold increase from 4,000 to 44,000, a flood insurance premium, told by the Tampa Bay Times. It is not only ridiculous, it is stunning to the point that people cannot believe something is facing them in their personal lives with their homes that could be so easily taken care of if we could get the approvals to get the legislation we already have 60 votes or more for. They cannot believe people are opposing bringing up this legislation to fix what is so obviously in need of fixing.

Ms. LANDRIEU. I thank the Senator from Florida. I would ask unanimous consent if we want to extend our colloquy, but I think I am going to wrap up with a few remarks for about 5 minutes.

I see the Senator from Texas on the floor and he may want to speak. But let me put a couple of startling facts in the RECORD.

There are over 450 counties, parishes, and boroughs which are located directly on open oceans, the Great Lakes, major estuaries, or coastal flood plains. We know from our geography

that there are over 3,144 counties—parishes in our case, boroughs in some—in the country. But this is the important fact here. In 2010, these coastal counties contributed more than \$8.3 trillion, which is 55 percent of the national economy. I want to underscore that and highlight its importance. We have 3,100 counties. But there is a subset of those counties which is mostly affected by this particular issue, flood control and flood protection, that produces 55 percent of the GDP for this country.

So, yes, this is a homeowner's issue, it is a middle-class issue, it is: They are suffering, let's relieve the pain. But it is also: We better wake up and realize the economic impact this is going to have on the entire country if this is not fixed. This is not about millionaires on a beach. It is about the future of the economic strength of America.

I cannot be more emphatic about that. It is not overstating our challenge. This is not about millionaires. It is about the middle class. It is about the middle class who need affordable insurance so they can live where they need to work—let me say that again: Live where they need to work—not rest where they need to vacation. There is a big myth here that flood insurance is about resting on vacation.

Flood insurance is about working hard where you need to work to keep this economy moving forward. Nothing could be more clear than in the State of Louisiana, but this is true in Texas, this is true in New Jersey, this is true in many places, in California, in our country.

People live near the water to harvest seafood, to produce domestic energy, to manufacture and transport the goods necessary to keep this economy moving.

If we shut down these communities because of a capricious law such as this that was not well thought through, that was not fully debated the way it should have been throughout this Congress, we are jeopardizing the dreams of not only these particular homeowners and business owners, but—and people will hear this from me—we are jeopardizing the future of the economy in the United States.

We cannot let this get any further than it has gone or we will start feeling the ramifications. Again, this is not flood insurance for people resting on vacation. This is flood insurance for people working every day because they need to live where they work to do the jobs our economy requires.

I showed this flood map graph a few minutes ago, which is where all of the flood maps are going to be. No State is exempt, not one—clustered in some areas, more than others, but not one State is exempt. Heads up to Oregon, Washington, California, Pennsylvania, Michigan, of course, the east coast, the gulf coast, and everywhere in between.

But this is where levees are. I know a lot about levees. Unfortunately, I have to know a lot about them because we have a lot of them. They break too

often and breach too often. I am trying to figure out ways to build them higher and better with nickels and dimes and trying to piece them together. I was surprised there are levees in other parts of the country that I was not aware of. This is a big issue, flood protection, particularly with our sea levels rising, the weather patterns getting more erratic, flash floods happening in deserts.

Colorado is not even around an ocean. How could we have millionaires on a beach when there is no beach? I mean, there are millionaires in Colorado, but there is no ocean. This visual some critics have painted is so wrong. It is so distorted.

What Colorado does have—and look at Arizona—they have these flash floods, important flood controls for people who even live in dry parts of our country. We have to fix this.

The great news is we have a bill that is broadly supported by both Republicans and Democrats. I am sorry there is seemingly one objection from the other side, a Republican Senator from Idaho. Many colleagues are talking with him about lifting his objections. If he has suggestions for amendments, we are flexible, we are open to hear any reasonable suggestions.

We have more than 60 votes. Around here, in the old days, when we had 60 votes, we could do a lot.

Unfortunately, there are some people who think we have to have 100 votes to do anything, and that is a big problem. It is a big problem for our democracy because that is not the way it was structured to be.

However, we are going to continue to work. I thank the coalition. I wish to read a couple of things into the RECORD, and I will turn the floor over in a minute.

I have on my Web site—and I have encouraged Senators to have “My Home My Story.” There are literally hundreds every day that come into my office with a picture of the house and their individual stories. I think it is worth reading one or two into the RECORD briefly.

This is from the New Orleans area where there are 303,000 policies. This particular story is from Jefferson Parish, a suburb of New Orleans, which has the most insurance policies of any parish of our State.

Richard of Metairie writes:

My wife and I purchased it as our first and so far only house in the fall of 1997.

We put down roots, befriended our neighbors, hosted family gatherings, and celebrated the birth of our daughter.

If the rate increases we're hearing about go forward, you will have succeeded in doing what Katrina didn't; break the back of Southeast Louisiana.

Homes will be unsellable, businesses will shutter, banks will fail from the doubtless tens of thousands of defaults that will occur as people simply walk away from their now worthless homes.

I don't know how much clearer we could be, and this is not an exaggeration. The data shows it. The coalition

has proved it. We are building tremendous support, and I can only hope we vote as soon as possible within the first week of coming back.

Wendy of Metairie, another person from Jefferson Parish, says:

I built my house 3 feet above required base flood elevation in 1998.

Now with elimination of grandfathering, I will be paying \$28,000 per year for flood insurance.

Why should we be penalized for building our houses in compliance?

That is a very good question, and I don't have an answer for her other than to say we hear you and we are changing the law. It was poorly designed, it can be fixed, and it should be fixed.

Finally, from Baton Rouge, which is our capital city now, because so many people were literally flooded out of New Orleans in the southeastern part of the State. Baton Rouge is now the largest city, almost 500,000 people.

Ken writes:

My wife and I live on Social Security and a small annuity from my work.

We have lived in this house for 37 years.

All our bills take almost all the income.

We constantly look at our finances to see if there is anything else we can cut or reduce.

An increase in flood insurance may increase my house note beyond our capacity to pay for it.

Brian of Baton Rouge writes:

My house was built in 1969 before there were flood maps.

I accepted a job in TN, I thought my house would sell.

I have a neighbor who wants to buy my house, but they have withdrawn their offer since they found out how much flood insurance will be.

Flood insurance rate hikes on this single property affects 3 families; my family, the family I want to buy from, and the family that wants to buy my house.

I wish to underscore this and then I will end. I wish everyone to get a picture of the 5 million people caught in this web. We think: Well, we have a lot of people in America with 350 million. This is 5 million. Let's say 2 per house. That is only 10 million. This is a very small number compared to 350. Maybe we don't need to pay attention to the 10 million people.

But every home has a buyer and a seller. Most every home has a bank. Most every home has a worker or two or sometimes three in that house. It is affecting so many businesses. If this gentleman can't get his finances straight, he will leave his job in Tennessee. The business in Tennessee that is not anywhere near an ocean will be affected.

I know I sound a little bit like a broken record, and I don't mean to, but this is serious for the whole country.

I wish to end by thanking HARRY REID for understanding, for hearing us amidst all of the yelling and screaming that is going on around here about this and that. He has been able to focus and understand that this is an important bill for the country. He has agreed to use his power—which he has only; only the leader has this power—to pull the

bill from the calendar. He has promised us he will do that the first week we get back, and then it is our job to deliver the 60 votes to pass it. If we don't get 60 votes, the bill will fail and it will be a terrible shame.

I don't think this bill will fail because I know how important this issue is for every single Member of this Senate. I know they are hearing from their middle-class homeowners, lower income homeowners, businesses, bankers, and realtors. All I can say is we are going to have to work over the holidays—unfortunately, we would like to rest but no rest for the weary—and we are going to have to work hard to convince many people so we have a successful vote when we get back.

I have hundreds of personal requests I received. I know Senator VITTER has received the same. I thank him for his help as well. Again, this is a Democrat and Republican working together to get the job done.

I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Republican whip.

Mr. CORNYN. As we all learned in civics class in high school, the purpose of the Senate was to ensure that every State in the Nation had at least two votes on important matters that might affect not only the country generally but also our States. Some of us represent small States and some of us represent large States.

I am privileged to represent one that has 26 million people in it, and we are growing by roughly 1,000 or more people a day. They are moving to Texas because that is where the jobs are. Our economy is prospering relative to the rest of the country because, as I like to tell my friends in this Chamber from time to time, we still believe in the free enterprise system in Texas and the private sector that creates jobs, opportunities, and where people can move to pursue their American dream.

Regardless of which party we come from or which part of the country we come from or who controls this Chamber, the Senate has historically recognized two fundamental rights; the right to debate legislation and the right to offer amendments to legislation.

When those rights are denied, our constituents—particularly of those of us who are serving in the minority—are essentially severed. They lose their voice. They lose their opportunity to have their views represented in the amendment process, the shaping of legislation that could be improved or not.

We know that when the minority voice is quashed—as this majority leader has done time and time again—and when minority rights are trampled, the Senate becomes a very different place indeed. We have become a place where mistakes get made, where purely partisan legislation is passed. The most obvious current example is ObamaCare, which was jammed through this body on a party-line vote in the House and in the Senate.

People are finding out that if they like what they have, they can't keep it.

Families of four will not see their premiums go down by \$2,500. That is the kind of thing that happens when the majority succumbs to the temptation to jam things through without giving the back-and-forth opportunity, the deliberation that national legislation—legislation that will affect all 300-plus million Americans—should have.

When the majority leader denies those rights and those opportunities or those sorts of checks, balances, and the natural correction that comes from building consensus in the Senate and instead resorts to a partisan power play, mistakes get made and people get hurt.

Since the majority leader has taken that role, Senator REID, the senior Senator from Nevada, has filled the amendment tree more than 70 times.

For those who get bored at the concept of Senate procedure and how the Senate's rules actually work, I wish to say what that means is effectively the majority leader has denied the opportunity to offer any amendments to legislation by "filling the amendment tree." That is the way he actually accomplishes that.

By comparison to this majority leader who has done it more than 70 times since he has been majority leader, the previous majority leader, Senator Bill Frist of Tennessee, did it 12 times in 4 years. Before him, majority leader Tom Daschle only did it once in 1½ years. Majority leader Trent Lott of Mississippi did it 10 times in his 5-year tenure as majority leader of the Senate. Majority leader George Mitchell did it only three times in 6 years and majority leader Robert C. Byrd did it only three times in 2 years.

In other words, this used to be an extraordinarily rare use of the tool that the majority leader has to block amendments to legislation. Majority leader Bob Dole did it seven times in 3½ years, about once every 6 months.

By contrast, Majority Leader REID has done it 70 times. What recourse does the minority have when they are blocked out of the legislative process on the Senate floor? The only tool we have available to us is to block cloture because it still takes 60 votes to get to a final passage of legislation. But when the minority exercises its rights, then we are called obstructionists. Because the majority leader has blocked any amendments and denied us an opportunity to have a choice in shaping legislation, the only recourse we have is to say that 41 Republicans will stick together and block the legislation, and, hopefully, set up a negotiation. But what happens more often than not is it is a politically posturing exercise and the majority leader will pull the bill down and rail against the minority as obstructionists. Well, this is a manufactured crisis.

This place did not always work the way it does now. Last month this resulted in an unprecedented power grab by our friends across the aisle when they violated the Senate rules in order

to further weaken the rights of the minority and to help President Obama turn the second most important court in the Nation into a liberal rubberstamp. I am talking about the DC Circuit Court of Appeals. Notwithstanding the fact this court has the lightest caseload of any of the circuit courts, the intermediary appellate courts in the Nation, it literally doesn't have enough work to do, while there are other judicial emergencies both at the district court and at the appeals court level that need additional judges—but because this court is the one that reviews many of the administrative regulations issued by the Department of Labor, the Environmental Protection Agency—in other words, they are the ones that will do the review of ObamaCare regulations or Dodd-Frank regulations—the President and his allies saw this as an essential way to stack the court in a way that will rubberstamp his agenda.

So what happened is the majority leader decided to further erode or basically deny the minority any right in the process for executive nominations and judicial nominations and said: You know what. With 51 Democratic votes, we can do anything we want—anything—when it comes to nominations.

By using the so-called nuclear option, as it has been called, the majority leader and his allies went against the advice of some pretty wise Members who have been in the Senate for a long time, and I am thinking particularly about the Senator from Michigan, Senator LEVIN, who has served for six terms in the Senate and who is going to be retiring at the end of this next term.

Prior to that vote, Senator LEVIN warned his fellow Democrats not to take up the nuclear option, to leave it on the table and to walk away, because he said pursuing the nuclear option in this manner removes an important check on majority overreach, which is central to our system of government. It is the checks and balances that are so important that Senator LEVIN was talking about.

I know most people get bored when talking about the process by which things happen here or don't happen or the Senate rules, but they happen to be pretty important to our democracy and demonstrating respect for minority rights. And when minority rights aren't respected, we make some pretty bad mistakes, and I am thinking about two of them right now.

We are currently debating the Defense authorization bill, which is a very important piece of legislation, because this is the authorization given to our national security agencies, particularly the Department of Defense, to be able to function and to keep our country safe. Yet once again, the majority leader is refusing any amendments to this underlying piece of legislation, including an amendment which would address the military pension cuts that were part of the recent budget agreement that passed yesterday.

It was amazing to hear the mock horror of people in this Chamber when they found out that our Active-Duty military were being discriminated against and punished by the budget agreement that was passed yesterday to the tune of roughly \$6 billion over 10 years. In other words, among everybody else in the Federal Government, they were singled out for worse treatment and were not grandfathered in to the pension reforms that were part of this deal for other Federal Government employees.

This is one of the things that happens when things get jammed through: Mistakes are made and people get hurt. In this instance, the people who happen to get hurt are those who wear the uniform of the U.S. military and who have served with great hardship in places such as Afghanistan and Iraq. Some of these people have suffered the wounds of war—lost a leg, lost an arm, suffered traumatic brain injury or post-traumatic stress syndrome. What is the majority leader's answer to our attempt to fix that mistake in that legislation? You are out of luck. And not just those of us who are trying to fix it, he is telling those wounded warriors: You are out of luck.

So when power plays take place in the Senate, when minority rights are denied and an opportunity to amend and improve and fix mistakes in legislation because of this power play by the majority leader, and the majority party that supports him, people get hurt. These pension cuts will impact veterans across the country. As I said, they will even impact combat wounded veterans who have been medically retired. This is a provision my colleague from Washington State, the Senate Budget Committee chair, called a technical error.

As I said, not surprisingly, Members of both parties have come to the floor since this was highlighted and they have called either for rescinding those cuts to the pension benefits of our Active-Duty members or those who have been medically retired or they have proposed to come up with alternative measures to reduce the deficit by a commensurate amount. At the very least, the military retirees who have already sacrificed so much for our country should have been exempted. Well, they weren't.

I am encouraged there has been some talk across the aisle about acknowledging the problem and the mistake. Yet instead of taking action today or yesterday, when we passed the budget deal that discriminated against other Active-Duty military, we were told: Just wait until next month; we will take care of it then.

It sort of reminds me of why the most feared words in the English language are sometimes said to be: Don't worry, we are from the government. We are here to help.

These wounded warriors need more than our rhetoric. They need our action. And they are the ones who are



being punished by the strong-arm tactics of the majority leader and the majority party. Why should they have to wait? We know things don't always happen on schedule around here. There is time as the world knows it, and then there is Senate time, and those are very different things.

Shouldn't we do everything possible now, today, to make sure these folks have peace of mind, particularly during this season of the year? If it was a technical error to include military retirees in the pension cuts, why are we not fixing the problem today? There is no good reason. There is zero good reason.

These kinds of strong-arm tactics need to be called out. Because while some people seem to think these are technical rules of the Senate and they are bored by them—the press doesn't want to write any stories about them—what I am here to say is that people get hurt by hyper partisanship and strong-arm tactics in the Senate. People get hurt.

Let me tell you about some other folks who are being shown disrespect as a result of the strong-arm tactics by the majority leader. I have introduced legislation that would allow for medals to be awarded to members of the armed services and civilian employees of the Department of Defense who were killed or wounded in an attack perpetrated by a home-grown violent extremist who was inspired or motivated by a foreign terrorist organization.

Of course, what I am talking about is what happened about 4 years ago at Fort Hood, TX, when MAJ Nidal Hasan, who had been radicalized by a Muslim cleric the President subsequently put on his kill list, and who was killed in a drone attack in Yemen—Anwar al-Awlaqi. Nidal Hasan had communicated with al-Awlaqi more than 20 different times by email, and over the years he had shown increasing tendencies to blame the United States for what was happening in the Middle East. He basically ended up declaring war against his own country, even while wearing the uniform of the U.S. Army. Hasan killed 12 people in Fort Hood, TX—Killeen, TX—while standing up and yelling “allahu Akbar,” the cry often used by suicide bombers and other terrorists in the Middle East and elsewhere.

Clearly, this was not a case of workplace violence. That is what the government called it: workplace violence. This was a terrorist attack, pure and simple; no more, no less than what happened that killed 3,000 Americans on September 11, 2001. And we know what the U.S. Government did in 2001, quite appropriately, in my view. The Secretary of Defense exercised his discretion to award Purple Hearts and the appropriate and commensurate benefits that go along with being casualties of war. That was war being declared against the United States. And the U.S. Congress issued an authorization for the use of military force, recognizing it as an act of war.

But when I tried to offer this amendment to recognize the loss of life in the line of duty of 11 military members and a Department of Defense contractor being awarded the Medal for the Defense of Freedom, which is sort of the civilian equivalent to a Purple Heart, when we sought to make sure the 30 other people who were shot but who survived would also be recognized and given the appropriate benefits, what was the response of the majority leader of the Senate? Well, about the same as it was for those military pensioners—the people who are wearing the uniform today and are hoping to accrue a retirement they can live on when they leave the military service. The majority leader's response to both the victims at Fort Hood and to Active-Duty military with regard to their pensions that are now being cut back as a result of the vote yesterday, was exactly the same: Tough luck. Tough luck. I don't care.

As I said earlier, while people may not care about the Senate rules and the traditions of the Senate, while they may not recognize this power grab that resulted in an unprecedented trampling of minority rights in the Senate, when these sorts of partisan power grabs happen, people get hurt.

The ones most people feel today are the broken promises of ObamaCare, which passed on a party-line vote in the Congress.

Mistakes get made. People get hurt. But today the people who are getting hurt the worst are the people we ought to be most concerned about—those who lost their lives in the line of duty in the war on terror, those who have been injured and survived those wounds, and those who keep us safe by fighting our Nation's wars. These are the people being hurt today.

I will support the underlying Defense authorization bill, but I did vote against closing off debate yesterday because I felt the denial of the opportunity to offer amendments and the opportunity to vote on important corrections to the bill, which I described a moment ago, was a terrible mistake. But those cries for rationality and reason were simply ignored.

I will vote for the underlying Defense authorization bill because it does contain some good work, but I am absolutely outraged on behalf of the people I represent in my State, some of whom I have described, by the majority leader's refusal to allow consideration of any amendments to the bill and his blatant disregard for the rights of my constituents.

I close by reminding the majority leader what he himself said—words out of his own mouth—7 years ago shortly before his party took control of the Chamber. And it is amazing to me to see how people change around here when they get in the majority. Sometimes they forget they will not always be in the majority. I have been here in the majority, and I have been here in the minority. I can tell you that I

enjoy being in the majority more. But we need to respect minority rights in the Senate because eventually, if you serve here long enough, you will find yourself in the minority, and what goes around comes around.

But here is what the majority leader said before his party took control of this Chamber:

As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. . . . The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about.

Back in 2006 I found those words inspiring. Today they are a bad joke.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that the Senate recess from 12:45 p.m. until 2:15 p.m. and that the time in recess count postcloture; further, that the time from 2:15 p.m. until 2:35 p.m. be controlled by the majority leader or his designee and the time from 2:35 p.m. until 3:15 p.m. be controlled by the Republican leader or his designee.

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

#### EXTENDED BENEFITS PROGRAM

Mr. MERKLEY. Madam President, my voice is a little weaker than usual thanks to a winter cold, but I nevertheless come to the floor today because there is an issue on which it is important not to remain silent; that is, just a few days from today more than 1 million people across America are going to lose their unemployment benefits. Those benefits are a bridge to the next job. Those benefits are the foundation for a family during a rough time while searching for that next job. Those benefits ensure the stability of the family and provide a solid foundation for the children during those weeks and months. But instead of maintaining this important bridge for more than 1 million American families, we are going to allow it to be dismantled on December 28 of this year, 3 days after Christmas.

This chart gives a little bit of a feeling for how unemployment is working. We have the total number of those searching for work in Oregon who cannot find a job. We can see how it grew dramatically in 2008 when the economy collapsed and how it has gradually improved. Yet unemployment remains quite high in Oregon—not as high as it was but still quite high—and it remains quite high across this Nation.

We have a structure in place where every State provides 26 weeks of unemployment, and then, depending on the unemployment level in different States, States take advantage of a Federal program for emergency unemployment, which works a little bit like this: If the State's unemployment rate is below 6 percent, the State is eligible for 14 additional weeks of unemployment for families, so the total goes

from 26 weeks to 40 weeks. If the State's unemployment rate is between 6 percent and 7 percent, the State is eligible for 28 weeks, for a total of 54 weeks—still less than 1 year of unemployment insurance. If it is between 7 percent and 9 percent, as it is in Oregon, the total goes to 37 additional weeks, which means, with the 26 underlying weeks with the State, 63 weeks. If the unemployment rate is over 9 percent, then the amount is 10 weeks more, for a total of 73.

On December 28, just days from today, there will be about 17,000 Oregonians who will be completely cut off from their unemployment—not tapered, not a few at a time; all of those who have more than 26 weeks right now will instantly be cut off. So that is 17,000 families or, at an average of 3 individuals per family, 50,000 Oregonians who are going to get from the Republicans in this Chamber a big lump of coal in their stocking.

Their argument is that we shouldn't keep this program in place because those folks should just go out and get jobs. I would remind them that this program was set up under a Republican administration, and it was set up to balance the fact that in States where jobs are more readily available, the number of weeks of provided unemployment assistance is fewer, and in States with higher levels of unemployment, where it is virtually impossible to find a job because there are so many applicants for any one job, then the number of unemployment weeks is greater.

This was a bipartisan plan, and this plan was implemented when the national unemployment rate was 5.6 percent. The unemployment rate today is 7.3 percent. The bipartisan emergency unemployment program that provided more than 26 weeks was implemented when there were 137.3 million Americans working—more Americans who were working than today.

So what was good enough under a Republican administration, under bipartisan support—that created a careful balance between unemployment; that is, the challenge of getting a job, and the bridge to the next job—if it worked then, why not now? Why throw 17,000 families in Oregon out in the cold? I hear silence in this Chamber. I don't hear a reply. Why is it justified to terminate this program when unemployment is still high?

Some of my colleagues want to keep all the special tax breaks for the oil companies and all the special tax breaks for the coal companies. But what do they want to give to the families who are looking for work in high-unemployment areas, where it is virtually impossible to find a job? They want to give them a lump of coal. It is wrong.

Moreover, not only does this program help those families directly, but it helps the entire economy improve gradually because those benefits are immediately spent by these families.

These benefits help families get through a hard time. They help them pay the mortgage, which solidifies not just this family but by preventing foreclosures solidifies the street and the community from the impacts of foreclosure, of empty homes. It has guarded the family between getting to the next job and ending up homeless.

I call upon my colleagues to come to this Chamber and pass immediately the extension of this carefully balanced program which not only directly benefits families who are doing the hard work of finding the next job but provides a solid foundation for our economy. This is no time to try to deflate our economy and throw more people out of work, but that is what happens when we cut this program.

I encourage my colleagues to think carefully about the fact that this program was neither a Democratic program nor a Republican program. Think carefully about the fact that it was developed during a Republican administration, that it was designed to carefully pull itself back in as employment improved. But what isn't right is for it to be cut off completely in this period of ongoing high unemployment.

While the average in Oregon is between 7 percent and 8 percent unemployment, we have communities with far greater than 10 percent or 12 percent unemployment. So many families are wanting that next job. There is nothing better than a job in terms of any type of social program. It creates a sense of self-worth, it creates a sense of structure, and it creates a sense of satisfaction. The families in Oregon want jobs and they are applying, but there are not enough jobs to go around.

That brings me to my next point. This Chamber should be considering program after program to invest in infrastructure and invest in manufacturing to create jobs. But there are those here who have sought to paralyze this Chamber in every possible way, to prevent any improvements, in terms of trying to sustain partisan campaign warfare rather than problem solving. This is an abdication of responsibility as a Senator. The responsibility is to be here working hard to solve the problems for families across this Nation, not continuing the partisan politics of the last campaign.

The American people see this partisan campaigning, and they do not like it. They want to see problem solving. They want to see us coming together to fix things.

A few moments ago the colleague from Texas was on this floor. He was saying some things that were extraordinarily misleading. He said, basically, that all of the paralyzing strategies that his party has employed stem from a lack of amendments. We have seen those paralyzing tactics in every possible responsibility that this body has. We have seen them on executive nominees. There are no amendments on executive nominees. You either approve them or you do not. We have seen this

paralyzing strategy on judicial nominees, but there is no tree—the tree he referred to, the amendment tree—on judicial nominees. We have seen this on conference committees, unparalleled blockade of letting the House and Senate meet together to resolve differences in their bills.

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

Mr. MERKLEY. Madam President, I know we are closing down this body, according to the unanimous consent agreement. I am thankful for the opportunity to address this important issue, about the fact that it is wrong to put lumps of coal into stockings of working Americans rather than extending the emergency unemployment insurance provisions.

I yield the floor.

## RECESS

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

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. when called to order by the Presiding Officer (Ms. HEITKAMP).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014—Continued

UNANIMOUS CONSENT REQUEST—S. 1834

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, last week I had the opportunity to see Charles Dickens' classic "A Christmas Carol." As my colleagues know, this is a morality tale that highlights the plight of the poor, the less fortunate, and the unemployed. In fact, when Charles Dickens began to work on "A Christmas Carol," he was so upset with the plight of youth and children working in the mines in England, he started out to write about that in a novel that evolved into a tale about Christmas, "A Christmas Carol."

As I watched "A Christmas Carol" with my wife in Ford's Theater about a week ago, I was struck by the following line from the spirit of Jacob Marley. Here is what he said:

Mankind was my business. The common welfare was my business; charity, mercy, forbearance, benevolence, was all my business. The dealings of my trade were but a drop of water in the comprehensive ocean of my business.

With that line, Dickens was advocating for those less fortunate and voicing his support for economic equality. Those words are most appropriate today at this time of year.

I come to the floor today with my friend, the Senator from Rhode Island JACK REED to share our concerns about the weak labor market, those who have been unemployed for so long, and its impact on the Nation's 11 million unemployed. Senator REED and I are especially concerned about those who have been without work for an extended period of time.