

United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Elizabeth Warren, Robert Menendez, Barbara Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

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

The question is, Is it the sense of the Senate that debate on the nomination of George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—55

Table with 3 columns of names: Baldwin, Begich, Bennet, Blumenthal, Booker, Boxer, Brown, Cantwell, Cardin, Carper, Casey, Collins, Coons, Donnelly, Durbin, Feinstein, Franken, Gillibrand, Hagan, Harkin, Heinrich, Heitkamp, Hirono, Johnson (SD), Kaine, King, Klobuchar, Landrieu, Leahy, Levin, Manchin, Markey, McCaskill, Menendez, Merkley, Mikulski, Murkowski, Murphy, Murray, Nelson, Pryor, Reed, Reid, Rockefeller, Schatz, Schumer, Shaheen, Stabenow, Udall (CO), Udall (NM), Walsh, Warner, Warren, Whitehouse, Wyden.

NAYS—42

Table with 3 columns of names: Alexander, Ayotte, Barrasso, Blunt, Burr, Chambliss, Coats, Coburn, Cochran, Corker, Cornyn, Crapo, Cruz, Enzi, Fischer, Flake, Graham, Grassley, Hatch, Heller, Hoeven, Inhofe, Isakson, Johanns, Kirk, Lee, McCain, McConnell, Moran, Paul, Portman, Risch, Roberts, Rubio, Scott, Sessions, Shelby, Thune, Toomey, Vitter, Wicker, Murphy, Nelson, Pryor, Reed, Reid, Roberts, Rockefeller, Sanders, Schatz, Schumer, Shaheen, Stabenow, Udall (CO), Udall (NM), Walsh, Warner, Warren, Whitehouse, Wyden.

NOT VOTING—3

Table with 3 columns: Boozman, Sanders, Tester

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 42. The motion is agreed to.

NOMINATION OF GEORGE JARROD HAZEL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland.

CLOTURE MOTION

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to yield back all time before the vote.

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

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, John D. Rockefeller IV, Debbie Stabenow, Barbara Mikulski, Carl Levin, Benjamin L. Cardin, Tom Harkin, Amy Klobuchar, Barbara Boxer, Patty Murray, Jack Reed, Robert Menendez, Sheldon Whitehouse, Christopher A. Coons, Richard J. Durbin.

The PRESIDING OFFICER (Ms. BALDWIN). By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—60

Table with 3 columns of names: Ayotte, Baldwin, Begich, Bennet, Blumenthal, Booker, Boxer, Brown, Cantwell, Cardin, Carper, Casey, Coburn, Collins, Coons, Donnelly, Durbin, Feinstein, Franken, Gillibrand, Hagan, Harkin, Heinrich, Heitkamp, Hirono, Johnson (SD), Kaine, King, Klobuchar, Landrieu, Leahy, Levin, Manchin, Markey, McCaskill, Menendez, Merkley, Mikulski, Moran, Murkowski, Murphy, Murray, Nelson, Pryor, Reed, Reid, Roberts, Rockefeller, Sanders, Schatz, Schumer, Shaheen, Stabenow, Udall (CO), Udall (NM), Walsh, Warner, Warren, Whitehouse, Wyden.

NAYS—38

Table with 3 columns of names: Alexander, Barrasso, Blunt, Burr, Chambliss, Coats, Cochran, Corker, Cornyn, Crapo, Cruz, Enzi, Fischer, Flake, Graham, Grassley, Hatch, Heller, Hoeven, Inhofe, Isakson, Johanns, Johnson (WI), Kirk, Lee, McCain, McConnell, Paul, Portman, Risch, Rubio, Scott, Sessions, Shelby, Thune, Toomey, Vitter, Wicker.

NOT VOTING—2

Table with 2 columns: Boozman, Tester

The PRESIDING OFFICER. On this vote the yeas are 60, the nays are 38. The motion is agreed to.

NOMINATION OF NANCY L. MORITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that the time until 1:45 p.m. be equally divided between the two leaders or their designees.

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

HIGHWAY TRUST FUND

Mrs. MURRAY. Madam President, the Highway Trust Fund is a vital resource for States to tackle much-needed transportation projects. But right now that trust fund is running on fumes. States from Vermont to California and many in between are rethinking their plans for construction because of funding uncertainty in the Highway Trust Fund. One example is New Mexico. Their State officials are starting to ramp up construction plans for Interstate 25 in Albuquerque. That project has been a high priority for city officials for a number of years. Once it is completed, it is going to reduce traffic and improve safety. That is vital for that area. But right now State officials in New Mexico have said they are concerned about Federal funding for that project and it now might be in jeopardy.

That is not an isolated case. The trust fund supports transportation projects across our entire country. It eases congestion for our commuters and for businesses that need to move their goods efficiently and quickly. It funds safety initiatives and construction that improves our roads and bridges. It sparks job creation for American workers.

But the Department of Transportation now says that trust fund will not be able to keep up with its payments to States as soon as this summer. This crisis is right around the corner. Many States are now planning for worst-case scenarios. In fact, the State of Missouri has stopped planning for

new projects. In Colorado, a State official has said: Without these funds, major projects probably will not be completed or ever get underway.

Arkansas has begun planning several projects to replace old bridges and widen highways and repair roads, but now, their transportation officials have put 10 projects on hold because of this looming crisis.

Construction is at its height during our summer months. So if the Highway Trust Fund hits a crisis in the next few months, we could potentially see a construction shutdown, meaning workers are going to be left without paychecks.

That could add up to 10,000 jobs in Florida, according to the President of the Florida Transportation Builders Association. Across the country, failing to shore up our Highway Trust Fund could cost more than 180,000 jobs in fiscal year 2015. That is according to an analysis from the Center for American Progress.

In Kentucky, Governor Steve Beshear summed it up by telling reporters: "We can't afford for the Highway Trust Fund to go insolvent." States and workers are counting on us to solve this. I am hopeful that we can replenish the Highway Trust Fund in a bipartisan way. In fact, House Republican DAVE CAMP, who chairs the Ways and Means Committee, has proposed using corporate revenue to replenish the Highway Trust Fund.

President Obama's Grow America Act also calls for corporate revenue to address this crisis and make important investments in our infrastructure. That approach makes a lot of sense. Closing wasteful loopholes so we can create jobs here at home would be good for our workers, good for our economy, and it would make our broken tax system fairer in the process. I am here today to say I am hoping that Republicans will come to the table willing to close just a few corporate loopholes so we can avoid an unnecessary crisis in our Highway Trust Fund, so that we can give our States more certainty to plan and we can help spark job growth in the summer.

But if Republicans are not willing to work with us, they are going to have to explain why egregious corporate tax loopholes are more important than workers in our construction industry and more important than drivers and businesses that rely every day on safe roads and bridges.

I am here to say and to warn that construction projects are at risk across our country. Another example happens to be in New Hampshire, where construction crews have been working on a major project to widen Interstate 93. That project was designed to ease congestion and improve safety. Last month the State transportation commissioner said the project could be stalled and thrown off schedule if Congress does not resolve the Highway Trust Fund crisis. He said, "Any hiccup in federal funding could have a negative impact on the ending."

For many States this looming crisis is already a reality. We have to act now. So let's show our States that together we will continue to invest in projects that help drivers and help businesses move their goods, and let's show the American people that Congress can work together to ensure vital transportation construction projects will move forward this summer. Let's shore up that Highway Trust Fund and avoid this unnecessary and totally preventable crisis.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CAMPAIGN FINANCE

Mr. COONS. Madam President, I come to the floor today to speak about the corrupting power of money in our national politics and the tragic impact of a whole series of decisions by the Supreme Court that has steadily strengthened that power.

Over the last 40 years a bipartisan coalition in this body and bipartisan coalitions in Congress have come together behind commonsense measures that actually succeeded in limiting the power of money in politics. Most recently, back in 2002, a bipartisan coalition in this Chamber led by Senators JOHN MCCAIN and Russ Feingold, Republican and Democrat, took a few steps to effectively limit the use of so-called "soft money" and to ban special interests from pouring money into national elections in the month or two before Election Day.

As actual elected representatives, their perspective as Members of Congress who enacted that legislation was informed by their real experience as public officials who have run and won elections and who have written, fought for, and passed actual legislation.

Since Members of this Chamber, Members of this Congress, have seen and experienced the corrosive effect of money every day, Congress, in my view, should be given great deference when it has been able to transcend partisan division and put in place commonsense protections.

Yet over the past few years a bare majority on the current Supreme Court has, in decision after decision, dismantled many of those critical protections and shows no signs of stopping.

In doing so, this Court's decisions display a significant and stunning naivete about how our political system actually works and how it is continuing to change and as a result have brought us closer to a world where, as a recent New Republic piece argues, "millionaires and billionaires speak loudly and the rest of us do the listening."

Most recently, in a 5-to-4 decision, the Supreme Court struck down a limit

that has stood since 1971, when Congress passed the Federal Elections Campaign Act, on total campaign donations anyone may make in the same election cycle.

Before this recent Supreme Court ruling, individuals couldn't give more than \$117,000 between candidates and party committees. After the ruling, that limitation has been swept away, and there is nothing to stop a wealthy donor, an ultrawealthy donor, from contributing to every Federal race each election cycle.

Some here have cheered the decision as upholding the First Amendment and free speech, but in my view, when you are able to spread around hundreds of thousands of dollars in donations to dozens and dozens of candidates in a coordinated way, you are not speaking, you are coming dangerously close to buying.

For ultradonors, the reality is not just about making their voices heard. Under existing Supreme Court precedent under these recent decisions, there is no limit on anybody's ability to spend whatever amounts he or she wishes to conduct actual speech, to buy newspaper ads, buy television spots, or even to make a politically motivated movie.

The reality is it is about trying to control more and more of the legislative agenda of this Congress and more and more of the direction of our government.

In *McCutcheon*, this recently decided case, the Supreme Court hasn't just enabled speech, it has made it dramatically easier for the wealthiest and the special interests they represent to hedge their bets by diversifying their political portfolio. It has more in common, sadly, with Wall Street investment strategies than with the free speech rights envisioned by our Founders at the Constitutional Convention.

Frankly, I think the Founders would not recognize our political system today and the increasingly harsh influence of big-money donors in our overall national political scene.

Together with the *Citizens United* decision of the Supreme Court of 5 years ago, we see the truly dangerous implications of the decisions rendered. One of the boldest decisions I have ever seen—*Citizens United*, with another 5-4 decision—killed off nearly half of that bipartisan compromise bill of 2002 of McCain-Feingold by allowing corporations and other special interests to anonymously fund campaign ads in the months before an election.

In doing so, as Justice Stevens wrote in a dissent, the Supreme Court "relied largely on individual dissenting opinions. . . . blaz[ing] through our precedents [and] overruling or disavowing a body of case law."

Justice Stevens noted that to do so the Court decided a question the parties did not present directly to it, saying:

Essentially, five justices were unhappy with the limited nature of the case brought

before us, so they changed the case to give themselves an opportunity to change the law.

I understand this is a dissent, but a dissent that I think should draw our attention to the direction these two vital, difficult Court decisions are taking this Nation.

Soon after the Supreme Court extended these rules to State campaign finance laws as well. In combination these two decisions, *McCutcheon* and *Citizens United*, have brushed aside important bipartisan legislation that was designed to prevent corruption of the political branches and to provide Americans some level of confidence that their voices, not just those of the ultrawealthy and powerful, mattered to their elected representatives. We have all seen the impact of this decision, of *Citizens United* in particular, as commercials by groups nobody has ever heard of, funded by donors who can remain in the dark, have flooded the airwaves of our election years ever since.

Earlier I mentioned that these two decisions show a stunning naivete about how politics in our modern world really works. Let me be clear I don't say this because the Supreme Court overturned a law that Congress passed. It is the Court's job to be a check on Congress to defend our fundamental freedoms in the face of congressional overreach or improvident action. But in the *McCutcheon* decision, the Court overturned a core holding of its own previous decision in *Buckley v. Valeo*, the case it purports to apply. As Justice Breyer wrote in dissent in *McCutcheon*, the Court's holding:

understates the importance of protecting the political integrity of our governmental institutions. It creates a loophole that . . . taken together with *Citizens United* . . . eviscerates our Nation's campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those very laws were intended to resolve.

For instance, in the Court's decisions, it consistently refers to traditional political corruption as *quid pro quo* corruption, corruption of the sort where a specific contribution is made for a specific vote or action in arguing that campaign donations and political spending or speech have shown no signs of leading to corruption. The majority argues that campaign giving and the "general gratitude" that a candidate or elected official may feel is not the same thing as *quid pro quo* corruption in the sense of directly buying votes or action in the Congress.

But as Justice Breyer notes in his opinion in *McCutcheon* in the dissent, the majority's:

narrow view of corruption . . . excludes efforts to obtain "influence over access to elected officials or political parties."

Every single Member of this body and every Member of the House of Representatives knows that to be true and knows this influence to be pernicious. Let me give an example. As many of my colleagues would attest, hanging

over everything we do is the shadow of anonymous big-money ads getting dropped into the airwaves out of nowhere in the last weeks before an election, and it influences, in pervasive and corruptive ways, decisions made in this body week in and week out.

Of course, tough opposition ads are nothing new. Robust debates in campaign season go back to the very first campaigns of this Republic. As politicians, we all welcome the opportunity to those who engage to disagree with them. That is an important and healthy part of our democracy, and every citizen should have the right to voice their opposition to me or to any Member.

But what is a huge problem is the fact that nobody knows who is behind these ads, making it easier for any wealthy individual or corporation to pour an unlimited amount of money into a race behind completely false attacks. Because the donor is often in the dark, there is no way for the public to know who the claims are coming from or whether they are credible.

That is why in this Chamber folks in my caucus, Democrats, have repeatedly argued for our taking up and passing the DISCLOSE Act, which would require third-party ads to say who funded them so that citizens can reach their own conclusions.

This is an increasingly difficult problem for our country. In the 2010 election cycle, super PACs spent more than \$62 million nationally. Through the 2012 cycle, outside groups spent an incredible \$457 million on House and Senate races. So far in this cycle they have already raised and spent more than \$200 million.

The result is that every campaign has to do more and more fundraising so they have the resources to rebut the claims made in these negative ads with concealed donors. That means more time on the phone or at fundraisers, traveling around the country, organizing and carrying out fundraising activities rather than engaging with our constituents and diving into details of policy. It is even worse in the House where the daily demands in their 2-year cycle are even more difficult.

Let me offer one brief statistic. In the average winning Senate race in 2012, it cost \$10 million, which means the winning Senator had to raise \$4,600 every single day over a 6-year term.

That is time not spent on solving the real issues facing our country. That is an unbelievable amount of time dedicated to fundraising, and it just doesn't end, whether the term is 2 or 6 years.

I know I have it relatively easy, little to complain about. Compared to my colleagues I come from a small State. The very modest amount we have to raise in a competitive race in Delaware pales in comparison to much larger States with much more expensive media markets, but it is a problem for this entire body and this entire country.

Let me offer one last example of concretely why this matters. As we debate

in the Senate, the other party complains about the absence of opportunities to offer amendments and the lack of a robust and open amendment process. One of the reasons we often do not take to the floor and vote on competitive, compelling amendments is the concern that they will then become the subject of last-minute, aggressive, targeted campaign ads funded by undisclosed donors. Rather than being a Chamber of honest, open, and free debate, the shadow of secret money turns policymaking into a beacon of risk aversion. Policymaking gets paralyzed and this serves no one.

Although it is not an example of corruption in the *quid pro quo* sense that the Supreme Court so narrowly focuses on, money does corrode the public trust and steadily corrupts this system in a thousand different ways. The irony of this all is that we badly need an honest discussion about the impact of big spending and fundraising on our political system. At this point I believe we badly need fundamental changes to redirect the decisions and the attention of the Supreme Court.

*Buckley v. Valeo*, the 1976 decision by the Court that equated political contributions and money with speech, in my view needs to be revisited. Senator UDALL of New Mexico has introduced a constitutional amendment that, in my view, restores the balance of that original law and decision, and it is one that I strongly support. By bending backward to declare anything that corporations or the ultrawealthy wish to do with their money the equivalent of speech, today's Court, in my view, rather than strengthening speech, has weakened it for the millions of Americans who cannot afford to play in this new system.

At a time of growing economic inequality, that concerns me more and more because this new political inequality threatens the very foundations of our democracy.

Noting the presence of two other colleagues, I would ask if I might have the forbearance of two brief speeches recognizing Delawareans.

I appreciate the forbearance of my colleagues and would like to take a few minutes to recognize two great Delawareans.

#### TRIBUTE TO HARRY GRAVELL

I wish to recognize Harry Gravel.

Right now in Wilmington, DE, friends will be coming to celebrate Harry, who is retiring from his long leadership role of the Delaware Building Trades Council after a lifetime dedicated to workers and our Nation.

I first got to know him in my service on the county council in New Castle County, where he gave me very helpful, very insightful advice, and was a constant source of encouragement and support.

Don't get me wrong. He didn't always agree with me. He didn't always support me. With Harry you got a straight shot. You got exactly what he thought and nothing less. You always knew

where he stood even if he disagreed with you. He is transparent, he is honest, and you know why he believes what he believes.

He is not only a great friend but a great father. We were both honored in 2012 by the Delaware chapter of the American Diabetes Association as fathers of the year. Harry is the proud father of two: Jayme and Dee, and grandfather of three: Makayla, Avery, and Lily.

Harry's life story is one of determination and service. He never gives up, especially when he puts his mind to something. From an early age he knew the value of hard work. For high school he went to the Salesianum School, a great school in our community, and worked his way through school to make sure he could afford a great education.

A Vietnam veteran, he served our country in wartime. Since he came home, he has never stopped fighting for working families and veterans, and I was particularly proud to work with him in his role in the Sprinkler Fitters Union, then on the Building Trades Council on Helmets to Hardhats, on offering training and real job opportunities to returning veterans.

If you know Harry, you have seen his drive up close. You have seen him fight through thick and thin for his workers, his family, and our community.

But perhaps the greatest example of his sheer will was his most recent fight. He suffered a stroke a few months ago. Doctors read him a long list of things he was never going to do. Harry scoffed. Digging in, as he has his entire life, he finished his physical and occupation therapy faster than doctors thought he could. He has just finished building a house in Lewes. Everyone who knows him I believe will agree with me that he deserves the years he will now get to spend on the beautiful beaches of Delaware.

#### REMEMBERING JAMES WILCOX BROWN

Let me last briefly offer a tribute to a lifelong friend and mentor, James Wilcox Brown of Newark, DE. He set sail on April 24 at the age of 65. The gentle determination and unconditional kindness with which he lived his life inspired all around him, including his family, his friends, and this junior Senator from Delaware.

Jim graduated from Salesianum School, the University of Delaware, and the Washington and Lee University School of Law. He worked as legal counsel for W.L. Gore & Associates for 36 years. He served as a member of the U.S. Army Judge Advocate General Corps for 26 years, retiring as colonel.

His tireless community service was broad and deeply felt. I was proud to be able to appoint him to the Delaware Service Academy Selection Board.

He is survived by his wife Peggy and their four wonderful children: Genevieve, Hilary, William, Mary Ellen, and six grandchildren. I simply wanted to add my voice to so many who will deeply miss this patriot, this great lawyer,

this centered, thoughtful, kind man, and this personal friend who helped teach me the importance of humility and of a commitment to excellence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### ARKANSAS STORM

Mr. PRYOR. I come to the floor with a psalm and a story. The psalm I want to read is one of the most famous passages in all of Scripture. In times such as this that Arkansas has been through, a lot of people go to Ecclesiastes or one of the gospels, but I want to read Psalms 23—and I will tell you why in a moment.

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever.

Madam President, on Sunday, April 27, 2014, at about 7:06 p.m., a tornado touched down right on the Saline and Pulaski County lines, just west of Little Rock. It stayed on the ground for about an hour, crossed the Arkansas River, crossed right near a little town called Mayflower. The weather service now tells us it was an EF-4. That means it had a wind speed of up to 190 miles per hour—190 miles per hour. We lost 15 Arkansans, and we will never forget them. We love them and their families, and we will miss them. It is a great loss to each and every Arkansan and really each and every American: Paula Blakemore of El Paso; Mark Bradley of Mayflower; Janye Collins of Vilonia; Helen Greer of Mayflower; Jeffrey Hunter of Vilonia; Dennis Lavergne of Vilonia; Glenna Lavergne of Vilonia; David Mallory of Vilonia; Robert Oliver of Mayflower; Cameron Smith of Vilonia; Tyler Smith of Vilonia; Rob Tittle of Paron; Rebekah Tittle of Paron; Tori Tittle of Paron; and Daniel Wassom of Vilonia. As you can see and hear from those names, a lot of these were family members and obviously members of a few communities in my State.

I wish to thank my colleagues first because many called and reached out in various ways. Some covered meetings for me. In fact, Senator JACK REED of Rhode Island actually covered a military promotion ceremony, which was really special for me—and for him to do—and special for everyone involved. So I thank him for that. Many of my colleagues have offered to help.

We also had people from outside Arkansas who reached out. I know our Governor fielded calls from a number of other Governors from around the country. Our emergency management people have been contacted by other emergency management folks.

Another phenomenon that has happened in our State—we neighbor several States that have gone through this before. One of those is Missouri, and I see my colleague from Missouri here in the Chamber today. People from Missouri came down to help. People from Oklahoma came down and helped. Of course, we helped those States in their time of need, so it was reassuring and so appreciated that those folks, those previous storm victims came to Arkansas and helped us. We really do mean that, and we appreciate it very much.

Federal officials reached out. I was in the car with our Governor Mike Beebe when President Obama called him. That meant a lot. They were able to work through some of those Federal-State issues immediately, right there on the phone. That was great. Of course, Secretary Jay Johnson called the Governor, and I talked to him actually that same day. He is trying to come to Arkansas in the next few days, and I hope he will be able to make it. Craig Fugate, Director of FEMA, came in the very next day, and we appreciate Director Fugate and the resources FEMA brings and the attention to our State.

One of the things we recognize is that the work is just beginning. I see my colleague from Louisiana, and I don't know of anyone in this Chamber who better understands about recovering from a widespread disaster.

I thank and acknowledge the thousands of Arkansans who made a difference.

One of the underappreciated groups I want to mention—they probably don't get enough notoriety, even though this may sound kind of silly—is the TV weather people. As soon as the storms were in the area, they broke from their normal broadcasting and they went with wall-to-wall coverage. I talked to so many folks in Mayflower, Vilonia, and other areas who said: Hey, we watched on TV, and we could see exactly where that storm was, and that is what saved us because we knew it was coming.

The sirens were going. I was at a dinner with some friends of mine in Little Rock, and we heard the sirens, we heard the weather radio go off, and sure enough we turned on the television and we watched it too, just like everyone else.

The Department of Emergency Management has been off-the-charts good. There is a man there named David Maxwell who unfortunately has a lot of experience with this, but ADEM has been phenomenal. We have a system in Arkansas called Code Red, and that got activated and worked very well. The various elected officials—the county judges, et cetera—all came together.

We also, obviously, had first responders who rolled in immediately, and that was great. General Wofford of the Arkansas National Guard activated 54 guardsmen. They showed up and did their duty. And it is so reassuring to the communities when they see those

men and women in uniform. First, they know they have a lot of training and a lot of experience, and it stabilizes things.

The other thing I noticed when I pulled up was that there were police cars and firetrucks and everything from what seemed like every jurisdiction in Arkansas. So it was really great to see that.

Some of the unsung heroes in this are just everyday, ordinary Arkansans, just everyday citizens. They came and brought their chainsaws. They checked their kids out of school to go help, and they rolled out and really streamed in to help.

There are really too many other folks to mention from some of the State agencies that are really underappreciated—the Arkansas Game and Fish Commission; the Forestry Commission, which had people there clearing the way and knocking down things; the highway department; the utilities. As always, the utilities sprung into action. Even though power was down for a pretty good while—I think we had about 35,000 customers or so without power for a little while, but the utilities people got that taken care of. They got their folks from other States to come in, as we do. Entergy is our largest single electric utility in the State, and they brought people in from other States and got their contractors going.

I noticed also the churches. The churches really are prepared for this. It is part of their mission. I did notice the State Baptist Convention has what they call a mobile mass feeding unit. In the first 3 days they fed 4,300 hot meals in Vilonia alone. I don't know what else they were doing in other places, but it was great for the volunteers who were helping and also the families there to be able to go and get a hot meal. Of course, the Salvation Army and Red Cross—all of them really rolled out and helped.

Again, these two Senators who are here in the Chamber with me today have been through these tragedies before. They know the insurance industry rolls out and sets up temporary units. I saw lots of insurance folks with clipboards and cameras and all the things they needed.

The wireless companies came and put up temporary towers because a lot of those were knocked down. There were charging stations for folks.

Walmart is the largest company based in Arkansas, and they came with truckloads of water, diapers, snacks, various kinds of donations, baby wipes, batteries, and flashlights. Whatever people needed, it seemed as though Walmart was there with a truck to offload and really help people do what they needed to do.

Tyson Foods is another of our great Arkansas companies. They have a program they call Meals that Matter, and they do three meals a day. I saw their trucks at the Mayflower school where they were set up. I saw this big Tyson truck just sitting there, and I knew ev-

erybody was scurrying around doing other things at other trucks, and I asked: What is that one for? And I heard that one was just full of ice. They have learned through these tragedies and other places they go that ice is in very short supply, and they know that keeping things cold and giving people something cool to drink is very important.

I could talk about this for a long time, seeing those people and seeing what they have gone through. I was there the next morning with the Governor and the attorney general and a number of others, and it was very emotional. You talk to some folks, and they are grieving for the loss of their loved one or their next-door neighbor in one case. I talked to a man who had lost his mother. At the same time, others are rejoicing to be safe and to have their lives and the lives of their children.

One man I talked to—I never even got his name, but I think he was stationed at Little Rock Air Force Base—said he looked out his front door and saw the storm bearing down on the house and there wasn't any way to avoid it. He grabbed his kids, threw them in the bathtub, got some blankets, covered them all up—including himself—in the bathtub. He said that for about 45 seconds it sounded as if they had an F-16 in their house. When it finally stopped, he took the blankets off, and at that point they weren't in the bathroom anymore, they were in the garage. The roof had collapsed and they couldn't get out. Before long, they heard some neighbors calling for them, and they were able to dig a tunnel and get those three girls out and then he got out. They came out of it with just scratches, but it is an amazing story of perseverance.

There is a little hardware store in Mayflower called H&B True Value Hardware, and that building was really shaken to its foundation. It is a total wreck, but the merchandise was good. This man's entire career, his entire working life is right there in that building, that local hardware store he is going to turn over to his daughter one day. His daughter was there with her children, and they were getting their merchandise out and trying to get it into some sort of storage so it could be safe while they rebuild. That is a real-life matter for them, so we tried to help there.

I remember standing out by the curb in front of what used to be a home. It was just a pile of rubble. At first, when you look at that, all you see is debris. Your eyes can't even focus on it. You don't even know what you are looking at. But when you sit and take a moment and look—I looked down and saw a ceiling fan motor. The blades were all gone, but there was a ceiling fan motor. And, gosh, right there I saw Legos mixed in the yard. There was an upside-down sink right there on the pavement. There was a family portrait—whether it was from this family,

that family, or a family from a mile away, who knows, but nonetheless a family portrait, just a color photo lying there in the middle of the street.

Another of the things I saw as I stood there looking at what used to be a house—there was the front door, the doorframe, the brick, and sort of a stoop with the steps going up to the house, but there was no house there. All that was left was that doorframe. You think about that. Think about those people, and their house is completely gone. They have to rebuild.

I did hear a story—I didn't talk to the people, but a story was going around among some of the volunteers who were working about a family who survived and their dog survived. The way the dog survived is that as the tornado was hitting their home, they actually grabbed the dog by the collar. He was about to fly out the window or what was left of the house, and not only were they holding on for dear life, but they held on to the dog, and they all made it.

A lot of times you would go up to where a house was and it would be just a concrete slab. That is all there was. You just look at that and think, how did anybody survive that? But they did, in most cases.

I went to the farm of a friend of mine, a guy named Preston Scroggins, whom I have known a long time. He is a pillar-of-the-community kind of person there in Vilonia. I went to his home and saw that he had lost everything. He lost his home, lost all of his vehicles. He had a big farm shop—what we call a shop—which is a metal building with steel girders in it. And I have never seen this before with a tornado. When they built that metal building, of course they build these girders to hold it up, and then there is the siding type of stuff on the sides, the roofing, which is all metal. Of course the steel was twisted, and that is pretty bad, and it takes a lot of force to twist steel like that. But what I had never seen before is that the footings of the building, which were these huge concrete balls—they dug a hole, filled it with concrete, and stuck the steel girders in them to create the footings—these balls of concrete were actually picked up out of the Earth by that tornado. They were actually picked up and set down a few feet away from the big hole in the ground. That is an amazing amount of force, and that is what an EF-4 does. This tornado didn't just knock down buildings; it obliterated them.

The beautiful thing about our people is that it did not obliterate their dreams. We talked to one woman who said: This was my dream house. But the amazing thing was—and a new phrase has been created out of this—we heard people saying over and over that they were Ark strong because people in our State are resilient. They are strong people. They are scrappers. And part of being strong is to pull yourself up by your bootstraps and dust yourself off

and go out and do more that day to improve what you have and work for your family.

But another element of being strong is neighbor helping neighbor, and we saw that in abundance in Arkansas. To sit there in your front yard with no worldly possessions left—your truck looks as though it has been beaten by 20 men coming at it with hammers and beating on it, your house is in ruins and there is nothing left—and then to look at me and say, “Well, it is just stuff,” it takes a strong person to do that. That is someone who has the right perspective.

I saw the bravery, the selflessness, and the generosity, and now you know why I am so very proud to be the Senator for these amazing people.

I am also proud of the Senate because it wasn't too long ago we voted for disaster relief in this body. We now have money sufficient to cover this and other disasters. I wish I could say this is going to be the last one for the year, but everyone knows it will not be.

I will close with a psalm.

The Lord is my shepherd; I shall not want. He makes me to lie down in green pastures.

There are green pastures as part of this, and our people have found those and will continue to be finding those as we go through this.

He leads me beside the still waters.

It is a very comforting thing, and they need to be comforted right now.

He restores my soul.

One thing I looked up is the definition of “soul.” According to Webster's, it is a nonphysical aspect of a person. It is a person's emotional and moral nature, where the most private thoughts and feelings are hidden, the complex of human attributes that manifest as consciousness, thought, feeling, and will.

He restores my soul; he leads me in the paths of righteousness for his name's sake.

Even though I walk through the valley of the shadow of death—

I can guarantee those people in Arkansas know they have walked through the valley of the shadow of death—

I will fear no evil; for you are with me. Your rod and your staff, they comfort me.

You prepare a table before me in the presence of my enemies. You anoint my head with oil; my cup overflows.

The attitude of the people in my State is, even though it has been a difficult week, their cup is overflowing and those blessings continue to come.

Surely, your goodness and mercy will follow me all the days of my life, and I shall dwell in the house of the Lord forever.

Having that eternal perspective is going to get people through.

I thank the Presiding Officer and my colleagues for all the best wishes and the willingness to help and offers of assistance and all that makes up the Senate family.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### CURRENT EVENTS

Mr. BLUNT. Madam President, I wish to respond to my good friend from Ar-

kansas. Where he lives and where I live we know way more about tornadoes than we would like to know. Our friend from Louisiana knows about tornadoes and hurricanes both.

We had a massive tornado in Joplin, MO, not too far away from these tornadoes in the last week, in fact, in Baxter Springs and Quapaw, along with tornadoes in Arkansas and Mississippi, but that tornado was 3 years ago, I believe next week, and there was massive destruction. But the first responders were your neighbors. Before anybody else can get there, your neighbors are there, thinking of getting that man out of the garage with his three little girls and your neighbors beginning to help you collect those few things that are left—that may just be stuff, but it is your stuff. It is pictures and things that can't be replaced, but what can't be replaced are the lives which are saved, and what can't be replaced are the lives which are lost—and people will live with that strategy. No matter how resilient, that is a tragedy that lasts forever. For all those families affected this week, the ones Mr. PRYOR has talked to and others have talked to—in the hometown of two of our colleagues from Mississippi, Tupelo hit by a tornado—these are tragic moments when communities and families and neighbors come together. That and faith, as Senator PRYOR said, are what help people get through this.

#### CARING FOR AMERICA'S HEROES ACT

Madam President, this is National Mental Health Awareness Month. It just started today.

Senator STABENOW and I have introduced some legislation this week, Caring for America's Heroes Act, that would look at what we are doing in the military. We are looking carefully at the military as it relates to what we are doing to help our veterans and to help those who serve.

I was at Fort Leonard Wood, in Waynessville, MO, just a few days ago, talking to the hospital personnel there about mental health issues as they relate to the many new inductees who come there and as to the full-time force and the retirees who come there.

The act Senator STABENOW and I are introducing this week would treat mental health conditions like other health conditions for spouses, dependents, and for retirees who now have a limit on what can be done and how many hospital days they can stay for mental health that is not the same limit for anything else. There is no justifiable reason for it not to be the same limit. I think we are going to have good support from the Defense Department as we work to try to get this done, to just simply ensure that military dependents and retirees who were covered under TRICARE, for instance, are treated in the same manner for inpatient mental health services as they would be for any other injury or any other kind of health issue. Bringing those to par with others is important.

The National Institutes of Health estimates that one out of four adults in

American has a behavioral health problem and if diagnosed can almost always be treated. I asked the Surgeon General of the Army at a hearing just a few days ago if that one out of four would relate to the military as well. Her view was as follows: Yes, we recruit from the general population. We don't have any reason to believe those numbers aren't reflected in our population as well.

So as we move forward, we need to be sure, in Mental Health Awareness Month—and in a month where, as in every month, we should be always mindful of our veterans and retirees—that we are pursuing those solutions for them as we are for the country generally. Hopefully, we will be able to work with the Defense Department and get this one gap closed in the very near future.

#### HEALTH CARE

I wish to speak about where we are on health care. I know there was an attempt in recent days to take a victory lap, and maybe again today, over the number of people to sign up.

I will say one more time, I don't think that is the way you can measure this. I said when the Web site wouldn't work, we can't measure this by whether the Web site works because surely the Web site will eventually work. Frankly, we shouldn't measure this by how many people sign up because the people who sign up don't have any other option. Their option is to not sign up at all or to sign up. That is not much of a choice for most people. I am going to talk in a minute about a couple people who decided they don't have a reasonable choice, so they are not signing up for anything.

We need to be sure this government does what is necessary to create access to what has been the best health care system in the world. We all want people to have access to that system. The question truly is, Are we doing that the right way?

Polling clearly shows that people don't think we are doing that the right way. The President's numbers reflect that. The Kaiser Family Foundation poll shows that just 38 percent of people think the law is working as intended; 57 percent say it is not working the way the White House had hoped.

I would think 100 percent would think it is not working the way the White House had hoped. Surely, the rollout, the sign-up—we can talk all we want about how many people sign up. There is a debate going on right now over in the House of Representatives this week about they signed up, but did they pay.

According to the House Commerce Committee, insurers tell them that only two-thirds of the people who have signed up have paid. If they don't pay, they are not signed up and they don't have coverage. I don't think any insurance works that way.

That same committee's report said only 25 percent of paid enrollees are within the crucial age range, which is 18 to 34.

For this to work, we have to have people who are young and healthy sign up as well. Why isn't that happening? The original estimate was we need 40 percent. We appear to have 25 percent. What do we need to do?

Why is it the fact that insurance costs more relative to everybody else insured for young people than it ever has before by the law? That would maybe explain why young people aren't signing up. Prior to January 1 of this year, if someone were young and healthy, they might pay 20 percent of what the person at the other end of the spectrum was paying. Now they have to pay at least 33 percent. Maybe that is why those people aren't signing up.

Of course, the workforce impact of people who have part-time jobs because full-time jobs are covered, jobs of more than 30 hours—the House recently passed the Save America Workers Act to help increase these wages by saying: No, it is not a 30-hour standard. It should be a 40-hour standard. I am a co-sponsor of the Senate bill that would do that same thing Senator COLLINS has been advocating for months now.

The unintended consequences in the workplace are not fair to American families. They are not fair to American workers. We could do something about one of those unintended consequences by just saying: Wait a minute. The 40-hour workweek that we have always said was full-time work should still be the 40-hour workweek, not the new 30-hour workweek.

The emergency contractor hired to repair the Web site said it is going to cost \$121 million to repair the Web site, which is a whole lot more than the \$94 million already spent to create the Web site. I wonder what would have happened if we had taken that many millions of dollars and bought insurance for the people we were trying to move from uninsured to insured.

I will give about three more examples. My time is limited on the floor today, and I have this down to a handful of examples of people we have heard from in the last few days about families who are dramatically impacted. Surely, there is a good story out there to tell, but there are lots of stories, and no matter what anybody says, these stories over and over turn out to be tragedies for families.

Randy and his wife from Mexico, MO, had a plan they liked, but they received a cancellation notice in October of last year. He went on to the exchange but found on the exchange he would have to pay over \$600 a month more in premiums and face deductibles that were \$3,500 higher than they had been in the past—so a \$600 increase in premiums and \$3,500 higher deductibles.

The cheapest plan available to Randy and his wife would have them paying \$14,000 in premiums a year and they would have an \$11,000 deductible before the insurance would pay anything—\$25,000.

Randy and his wife decided: That is not insurance at all, so we are not

going to have insurance. They found the best thing he could find, found what was available, and decided it clearly wouldn't work. And that wouldn't work for any us either. If it was going to cost \$25,000 annually before a single thing was covered, we wouldn't think that was insurance, and that was the best thing Randy from Mexico, MO, could find.

Neal lost his job 2 years ago and decided to go back—Neal is from Raymore, MO. He decided to go back to school full time. He has nerve damage in his back and takes several medications. His doctor prescribed 120 pills a month, but his insurance plan will only pay for 100 pills a month.

Neal said not only does he have pain he didn't have before, but he says: There is nothing I can do about it. He says: Nobody wants to help. The doctor says I need 120 pills a month. The insurance says they are not going to let me have more than 100. I think he wishes this was between him and his doctor instead of between him and his insurance company.

Myron from Hannibal, MO, and his family have annual premiums that went from \$2,200 to \$6,500—a \$4,300 increase. He found his doctor is no longer in the network. He doesn't want to have a new doctor. He liked his old insurance, but it was canceled, and he can't get to the doctors he used to use with his new insurance.

Campus problems: A young healthy son on campus. His insurance was \$550 a semester last semester. This year it is \$770 a semester so he can have the same insurance that in all likelihood he will not use because he is, after all, young and healthy, but the 40-percent increase is an increase the law almost requires. The law went from five different categories of people to be insured to three, and the top one can't pay more than three times what the bottom pays.

One final story. Dennis is from Dexter, MO, near Missouri's bootheel. He is an insurance broker. He says he has lots of stories he could tell, but the one that came to mind that he told us about this week was people who had a nationwide network of doctors in a plan he used to sell now are transitioned to a network that is much smaller and it only works in the State you reside in.

Missouri has many States that touch it. As many as eight States touch our State, so almost everybody in our State lives on or near a border. If you live on or near the border in the exchange, you cannot go to the doctor or hospital, in all likelihood, that may be 10 miles from where you are because it is not in your State. When I was first told that, I simply didn't believe it, and the more we checked into it the more we found out that is what people were finding over and over. The policies they could get did not allow them to go a reasonable distance if they had to cross a border.

So we have work to do. I hope we can do it. I think there are ways we can

work together, but the real thing we have to solve is better health care for families and affordable health care and health insurance for families. It is not happening right now. I hope we move to a better place.

I yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Louisiana.

HEALTH CARE

Mr. VITTER. Thank you, Madam President.

I come to the floor again to urge consideration and a vote, and a positive vote, on my no-Washington exemption from ObamaCare proposal.

I think the first rule of American democracy should be that whatever Congress chooses to impose on America it lives by itself; whatever laws Washington passes, it lives by itself. That should be the rule across the board, and that should certainly include health care and ObamaCare. But that is not the case.

That is not the case at all, because there is a Washington exemption from ObamaCare. There are special-interest Washington subsidies under ObamaCare that the average American doesn't get in any way, shape, or form. As it relates to health care and ObamaCare, I think the rule should be simple: The baseline plan, the fallback position for all Americans is what we live by. Under ObamaCare that was first during the debate called the public option, but then it came to be known as the exchanges. That should be the plan we all live by and our staff live by and the White House and top members of the administration live by—no special exemption, no special deal, no special subsidy, no special treatment.

That was the intent of an amendment, and that is actually the clear language of an amendment that actually passed this body and passed the process and became part of ObamaCare, thanks to the leadership of Senator CHUCK GRASSLEY and others, and I certainly strongly supported the amendment. There was a clear amendment added to ObamaCare in the Senate that said every Member of Congress, all of our staff, have to go to the so-called exchanges for our health care. The problem is on the way to implementing that, after passage of the bill, folks around here understood what that meant and so they watered down and amended that language through the back door by administrative fiat in an illegal way.

They got the President and his administration to issue a special rule that took all of the sting out of that amendment. That rule did two things: First of all, it came up with a mechanism whereby a lot of congressional staff don't even have to go to the exchanges at all; and secondly, this illegal rule gave Members of Congress a special subsidy to go to the exchanges that no other American gets at comparable income levels, no one else gets, completely unique.

In addition, the administration, top members of the administration, such as Cabinet officials and top White House aides, have never been subjected to anything like the same rule.

Again, I think we should come back to what almost all Americans feel should be the first rule of American democracy: What is good for America has to be good for Washington. What is imposed first and foremost on Washington, with no special exemptions, no special subsidies, no special carve-outs, no special deals, and that is what my no-Washington exemption from ObamaCare proposal is about. Every Member of Congress, our staff, and the White House and top administration officials should go to the exchanges for our health care, with no special deal, no special exemption, no special subsidies.

I have been fighting for simply a full debate and vote on this for 6 months now, and unfortunately have been completely shut out of any vote. This started as soon as the administration announced its special illegal rule to get around this provision of ObamaCare late last year, and as soon as that was announced, I said: This is wrong. We need to address this. We need to stop this. I proposed my clarifying language, and I brought up that language as an amendment on the floor as soon as I could. It was in September of last year on the Portman-Shaheen bill which is back on the floor now, and after a lot of back and forth, the majority leader finally agreed: Fine, we will have a vote on the Vitter amendment on this subject. In fact, Senator REID was quoted in *The Hill* on September 17 of last year: "What I said I will do is we'll vote on Vitter," meaning my no-Washington-exemption language, ". . . as senseless as that is."

I appreciate that endorsement of the proposal.

"I mean, we'll go ahead and do that."

So he agreed to that vote on Portman-Shaheen. That was reported the same day by Bloomberg on September 17:

Reid said on the Senate floor that a vote would be allowed on the Vitter proposal as long as Republicans agreed to consider a yet-to-be unveiled Democratic counterproposal that would be offered as a side-by-side or second-degree amendment.

And also that same day in CQ:

Reid said Tuesday he was willing to give Senator David Vitter, R-LA, a vote on his proposal to force more government workers onto health care exchanges and to pay the premiums themselves . . .

In addition, at the same time the next day, September 18, and the day following, September 19, Senators SHAHEEN and PORTMAN said the same thing. Senator SHAHEEN was on the Senate floor September 18 saying: Great, we will give Senator VITTER his vote. I have no problem with that. Senator PORTMAN, September 19, the same thing.

My understanding is that there has been a general agreement to have a vote on the Vit-

ter amendment. That is something I have heard on the floor from leadership.

Well, as we all know, that agreement never materialized, was never honored. I have never gotten that vote. It is now 6 months later, and I am simply asking for a full debate and a fair up-or-down vote on this important issue.

Look, it is a free country. People don't have to agree with me, but let's have a vote. We voted yesterday on something that we have voted and re-voted multiple times at the majority leader's insistence.

I am asking for one vote on this important issue that the American people care about. We voted and re-voted on things multiple times. I am asking for one clear vote on this issue. After the majority leader agreed to a vote on this amendment that I never got in September, a couple months later when I was revisiting the issue, he said: Okay. Well, you can have a vote, but it has to be the only vote in this Congress.

Well, I resisted that at the time, but I will take that one vote. Can we have one vote on this important issue this Congress? Can we have a modicum of free expression and open debate and an open amendment process on the Senate floor? Can we have one vote on this issue that the American people certainly care about? That is what I am asking. I am asking for the majority leader to honor his commitment. That is what I am pushing for. That is what I will continue to push for, which is why I am filing the amendment to the Portman-Shaheen bill. And again, I am filing it to this bill for one clear reason: That is the context in our previous consideration of Portman-Shaheen where I was told we agreed to having a vote on this issue. We will have the vote. I am simply asking for that commitment to be honored.

I also care deeply about other important issues, including energy issues, moving forward with a very important jobs project for America, the Keystone XL Pipeline; and because of that, when I saw the majority leader's recent proposal that we move ahead on Portman-Shaheen with five energy-related votes, one of which would clearly be the Keystone XL Pipeline, I certainly took that very seriously. That is also an important issue and it deserves a vote. It has had votes in the past, but that needs to be addressed. So as soon as I saw that—and again, this is an offer by the majority leader—a hotline request that we now consider the Portman-Shaheen bill and limit considerations to five energy-related amendments, that would be chosen by the Republican leaders—as soon as I saw that hotline and that offer, I called the Republican leader to make sure of two points—two points that I care about quite a bit—No. 1, that one of those amendments would be a very substantive amendment on the Keystone Pipeline, not general, vague, sense-of-the-Senate language, but binding language that would approve, without the

President's involvement, this very important jobs project; and No. 2, that at least one of the other amendments was an important matter within the jurisdiction of the EPW Committee on which I serve as ranking member.

The Republican leader absolutely agreed that was the case. Yes, absolutely, once we lock in this unanimous consent request by Leader REID, one of those votes would absolutely be a binding proposal about the Keystone Pipeline. Another would clearly be an important matter from the jurisdiction of the committee on which I serve as ranking member on EPW. So those are important matters and those are significant votes.

So I will set aside temporarily my pursuit of this no-Washington-exemption vote. I promise I will be back to it. I promise I will use every reasonable opportunity to get that vote which was promised to me last September, 6 months ago and counting; but I believe we should move forward with Majority Leader REID's proposal that he made as a hotline request this morning.

I offer that as a unanimous consent agreement, so we can lock it down and move forward, and move forward with this Keystone vote, move forward with these other energy votes, and then move forward beyond that, hopefully to a vote on the no-Washington-exemption language very soon. So I make as a unanimous consent request Majority Leader REID's own proposal, that there be a unanimous consent agreement on S. 2262, the energy efficiency bill; that we move to its immediate consideration; that the only amendments in order be five amendments to be offered by the Republican leader or his designee related to energy policy, with a 60-vote threshold on adoption of each amendment; and that following the disposition of these amendments, the Senate will proceed to a vote on passage of the bill as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I ask unanimous consent to speak for 5 minutes in response to the Senator from Louisiana after I have responded to his unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Madam President, reserving the right to object, I would only ask for the opportunity to respond to the response to the unanimous consent request before the assistant majority leader proceeds, but I have no objection otherwise to his speaking after that for 5 minutes.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. What is the request?

The PRESIDING OFFICER. The assistant majority leader.



Mr. DURBIN. Madam President, first, reserving the right to object, what the Senator from Louisiana has characterized as the majority leader's position on the pending legislation, S. 2262, has not been stated by the majority leader, and I suggest that the Senator from Louisiana speak to his leadership and work with the majority leader to resolve differences on amendments. I object.

Mr. VITTER. Madam President, reclaiming the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. VITTER. Madam President, let me read the exact text of the hotline. A hotline is a message that goes out to all Senators.

The Majority Leader in consultation with the Republican Leader would like to enter into a unanimous consent agreement on S. 2262, the Energy Efficiency bill. The only amendments in order would be 5 amendments to be offered by the Republican Leader or his designee, related to energy policy, with a 60 vote threshold on adoption of each amendment. Following the disposition of these amendments, the Senate will proceed to a vote on passage of the bill, as amended, if amended.

That is clearly an expression of the majority leader's proposal in consultation with the Republican leader. That is what was sent to all Members of the Senate—at least on our side—after a personal discussion between the majority leader and the Republican leader.

Just to be crystal clear, my unanimous consent right now is that hotline request that has been clearly characterized as the request of the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I know the Senator from Arizona is waiting to take the floor. I have waited for the Senator from Louisiana to finish his lengthy statement about several issues.

I ask unanimous consent to speak for only 5 minutes—and maybe less—and then I will leave and turn the floor over to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Madam President, reserving the right to object, I would like 2 minutes to respond. I don't mean to delay the Senator from Arizona, but I would like 2 minutes to respond.

The PRESIDING OFFICER. Is there objection to the Senator from Louisiana's request?

Mr. VITTER. There is an objection, and I propose an alternative unanimous consent that the Senator from Illinois speak for up to 5 minutes followed by me for up to 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, reserving the right to object—and I will not object—but I ask unanimous consent that following the completion of what was just discussed that the Sen-

ator from South Carolina and I be allowed 20 minutes for time to speak.

Mr. DURBIN. Reserving the right to object, I think there is a vote scheduled at 1:45 p.m.

The PRESIDING OFFICER. The Senator from Illinois is correct; there is a vote scheduled at 1:45 p.m.

Is there objection to the request from the Senator from Louisiana?

Without objection, it is so ordered.

The assistant majority leader.

Mr. DURBIN. Madam President, because my friend from Arizona has waited patiently, I will turn the 5 minutes into 3 minutes.

The question is health insurance for Members of the Senate and their staff. The Senator from Louisiana said that we should not be treated any differently than anyone else, and he is right. It turns out that Members of the Senate and their staff go to get their health insurance through the insurance exchanges, just like 8 million other Americans, and we buy our health insurance not from a special little company but from the same list—in my case—of 100 different policies available to anyone working in the District of Columbia.

My wife and I chose Blue Cross Blue Shield; that was our choice. We are paying a monthly premium. Our employer, the Federal Government, is contributing toward that premium like every other family in America where the employer makes a contribution, in this case the Federal Government, and the employee makes a contribution, in this case the Senator and his wife. We are being treated like everyone else.

Now he wants to take away the employer contribution not just for the Members of the Senate but also for our staffers. All these poor hard-working people want is health insurance like every other family. The Senator from Louisiana is going to make a statement of principle here: They shouldn't get employer contribution for their health insurance. What a noble and courageous position.

The question is whether he is going to turn back any Federal subsidy for his health insurance. I don't know if he does or not. It would be a show of good faith if he did.

I will stand here and fight for the right of Members of Congress to be treated like everybody else—buying health insurance on the exchanges from private insurance companies from policies that are available to everyone else with an employer contribution. I will fight for staffers—Democrats and Republicans—to have that same right.

The Senator from Louisiana has held up a bill on the floor of the Senate all week because he wants to call that amendment. Isn't it about time we get to the business of the Senate and do something? We will leave today and come back next week. I hope he will have some second thoughts about holding up the Senate for another week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I had the feeling I would need to respond to whatever was said, and I was certainly right.

I have a couple of points to make in order to set the facts right. First of all, my proposal does mean Washington is treated like all other Americans with regard to ObamaCare. That is not going on now. Many members of our staff don't have to go to the exchange. All others and Members of Congress get a huge taxpayer-funded subsidy that no other American at the same income level gets—no other American. And the Obama administration—White House officials—doesn't fall under that requirement at all to go to the exchange. That is No. 1.

No. 2, I don't take that subsidy. The assistant majority leader is a little late to the game. I made that decision months ago and announced it, so I do not take a subsidy.

No. 3, the assistant majority leader has just rejected a proposal of the majority leader in consultation with the Republican leader. I don't know why they can't take yes for an answer. They are complaining about my holding up a bill that is not on the floor yet, and I am asking for unanimous consent, which they initiated, with regard to energy amendments.

I will read the exact text of the hotline again.

The Majority Leader in consultation with the Republican Leader would like to enter into a unanimous consent agreement on S. 2262, the Energy Efficiency bill. The only amendments in order would be 5 amendments to be offered by the Republican Leader or his designee, related to energy policy, with a 60 vote threshold on adoption of each amendment. Following the disposition of these amendments, the Senate will proceed to a vote on passage of the bill, as amended, if amended.

I don't know why we can't take yes for an answer here. I'm holding up the bill? The bill is not on the Senate floor yet. I am asking for a unanimous consent that was a discussion and an idea of the majority leader in consultation with the Republican leader and now that is being objected to by the same sources who proposed it. This is silly.

Let's get on with the important votes. Let's get on with this important Keystone vote—a binding Keystone vote—and then in the future let's get on with important ObamaCare votes, which certainly includes my no-Washington-exemption proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator Arizona.

Mr. MCCAIN. Madam President, how much time is remaining before the vote?

The PRESIDING OFFICER. Eight and a half minutes.

Mr. MCCAIN. Madam President, I ask unanimous consent that immediately following the votes Senator GRAHAM and I be allowed 20 minutes to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### NOMINATION OF THEODORE DAVID CHUANG TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND—Continued

Mr. GRASSLEY. Madam President, I ask for the yeas and nays, and I yield back any remaining time.

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

Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland?

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. MORAN), and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 127 Ex.]

#### YEAS—53

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

#### NAYS—42

Alexander	Collins	Grassley
Ayotte	Corker	Hatch
Barrasso	Cornyn	Heller
Blunt	Crapo	Hoeven
Burr	Cruz	Inhofe
Chambliss	Enzi	Isakson
Coats	Fischer	Johanns
Coburn	Flake	Johnson (WI)
Cochran	Graham	Kirk

Lee	Portman	Shelby
McCain	Risch	Thune
McConnell	Roberts	Toomey
Murkowski	Scott	Vitter
Paul	Sessions	Wicker

#### NOT VOTING—5

Boozman	Rubio	Tester
Moran	Sanders	

The nomination was confirmed.

Mr. MCCAIN. Mr. President, earlier today, I voted against confirmation for Theodore David Chuang to be U.S. district judge for the District of Maryland because of his involvement in the State Department's response to Congressional inquiries into the attack on the U.S. Embassy in Benghazi, Libya. The State Department refused to comply with a subpoena from the House Oversight and Government Reform Committee without citing any valid privilege. I cannot support any nominee who played a part in stonewalling attempts by Congress to uncover the truth surrounding the events in Benghazi on September 11, 2012.

#### NOMINATION OF GEORGE JARROD HAZEL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND—Continued

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the Hazel nomination.

Does anyone yield back their time?

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of George Jarrod Hazel, of Maryland, to be United States District Judge for the District of Maryland?

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

#### YEAS—95

Alexander	Brown	Collins
Ayotte	Burr	Coons
Baldwin	Cantwell	Corker
Barrasso	Cardin	Cornyn
Begich	Carper	Crapo
Bennet	Casey	Cruz
Blumenthal	Chambliss	Donnelly
Blunt	Coats	Durbin
Booker	Coburn	Enzi
Boxer	Cochran	Feinstein

Fischer	Klobuchar	Roberts
Flake	Landrieu	Rockefeller
Franken	Leahy	Rubio
Gillibrand	Lee	Sanders
Graham	Manchin	Schatz
Grassley	Markey	Schumer
Hagan	McCain	Scott
Harkin	McCaskill	Sessions
Hatch	McConnell	Shaheen
Heinrich	Menendez	Shelby
Heitkamp	Merkley	Thune
Heller	Mikulski	Toomey
Hirono	Murkowski	Udall (CO)
Hoeven	Murphy	Udall (NM)
Inhofe	Murray	Vitter
Isakson	Nelson	Walsh
Johanns	Paul	Warner
Johnson (SD)	Portman	Warren
Johnson (WI)	Pryor	Whitehouse
Kaine	Reed	Wicker
King	Reid	Wyden
Kirk	Risch	

#### NOT VOTING—5

Boozman	Moran	Tester
Levin	Stabenow	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to have one more recorded vote. The next vote will be on Monday at 5:30. We will have two votes at that time.

#### NOMINATION OF JANICE MARION SCHNEIDER TO BE AN ASSISTANT SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. Under the previous order, the clerk will report the Schneider nomination.

The legislative clerk reported the nomination of Janice Marion Schneider, of New York, to be an Assistant Secretary of the Interior.

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

Mr. SCOTT. Mr. President, I ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Janice Marion Schneider, of New York, to be an Assistant Secretary of the Interior.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 129 Ex.]

#### YEAS—64

Alexander	Bennet	Brown
Ayotte	Blumenthal	Cantwell
Baldwin	Booker	Cardin
Begich	Boxer	Carper