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## Senate

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

### PRAYER

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

Let us pray.

Eternal God, ruler of all nations, hasten the day when the government shall be on Your shoulders. Bring an end to sin, injustice, corruption, violence, and immorality in our Nation and world. Use our lawmakers to do what is best, rewarding their faithfulness with a bountiful harvest. Lord, do for them immeasurably, abundantly, above all that they can ask or imagine according to Your power working in and through them. May the whisper of Your wisdom fill our Senators with peace, power, and praise. Infuse them with confidence in the ultimate triumph of Your Providence.

We pray in Your righteous Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, which is the vehicle for the tax extenders we hope to do this week.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business. The time until 11:10 will be equally divided between the two leaders or their designees. At 11:10 there will be a cloture vote on the motion to proceed to H.R. 3474. The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

### EXECUTIVE SESSION

#### NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 667.

The PRESIDING OFFICER (Mr. BOOKER). The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk reported the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

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

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move

to bring to a close debate on the nomination of Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

### LEGISLATIVE SESSION

Mr. REID. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

### EXECUTIVE SESSION

#### NOMINATION OF DOUGLAS L. RAYES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 668.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

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



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under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Cory A. Booker, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JAMES ALAN SOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. I move to proceed to executive session to consider Calendar No. 669.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey, Cory A. Booker.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF GREGG JEFFREY COSTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. REID. I move to proceed to executive session to consider Calendar No. 732.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the 5th Circuit.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

HIRE MORE HEROES ACT OF 2014—  
MOTION TO PROCEED—Continued

CHANGING DIRECTION

Mr. REID. Mr. President, we have seen in the last week or two Repub-

licans just throwing things at the wall hoping something will stick. They brought down the energy efficiency bill as a result of that. They rescinded informally an agreement that I was convinced we had. Here is why this happened. One need only look at why we have not heard these endless speeches in the House or the Senate on ObamaCare, the Affordable Care Act. That has dissipated. It has been several weeks—it is hard to believe but several weeks—since we have had a vote in the House on doing away with ObamaCare, repealing it. Why is that? There is no better illustration of why that is happening than something called “The Plum Line” in the Washington Post today. It is short, but I would like to read it. The headline is “Going quiet on health care.”

As Benghazi fever rises among Republicans—

This is an editorial comment. That is another thing they threw at the wall to see if it would stick—

the Hill reported yesterday that the House GOP has “gone quiet” on Obamacare. There are no scheduled votes or hearings on the Affordable Care Act. When contacted by the Hill newspaper, most GOP campaign committees wouldn’t say whether they would launch any new attacks on the law.

As the Hill put it: “The lack of action highlights the GOP’s struggle to adjust its message now that enrollment in the exchanges beat projections and the uninsured rate is going down.”

They have tried a number of things since ObamaCare is no longer very high on the radar screen. A couple of weeks ago they said they would change direction and go after me. One of my friends—a Democratic Senator—said: I wish they would do that in my State. Nobody knows who you are.

The point is that they are getting desperate for something to change their tune. Benghazi is one. There will be other things that will come out in the next few weeks.

I carry on reading this article:

At the same time, it noted that GOP operatives overseeing Senate races remain “conscious of the need to keep a drumbeat going against the law.” The question now: If Republican officials really are backing off on Obamacare, will the base go along?

A new CNN poll illustrates the situation nicely: It finds that far more Americans want to keep Obamacare than repeal it. At the same time, only a majority of Republicans want repeal and only a majority of Republicans think the law is already a failure.

The poll finds that 49 percent of Americans want to keep the law with some changes, while another 12 percent want to keep it as-is—a total of 61 percent. Meanwhile, only 18 percent want to repeal and replace the law, and another 20 percent want to repeal it, full stop—a total of 38 percent. That’s 61 percent for keeping the law and 38 percent for repealing it. Among independents, that’s 55 percent to 44 percent.

How is it possible that Americans can disapprove of Obamacare but support keeping it? Part of the answer lies in the another question CNN asked. It finds that a total of 61 percent say that it’s a success or it’s too soon to tell whether it’s a success. By contrast, 39 percent say it’s already a failure. Among independents, that’s 58 percent to 42