December 13, 2014

LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOAN MARIE AZRACK TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Mr. REID. I move to proceed to executive session to consider Calendar No. 1145.

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

The assistant legislative clerk read the nomination of Joan Marie Azrack, of New York, to be United States District Judge for the Eastern District of New York.

The motion was agreed to.

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

The bill clerk reads as follows:

CLUTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk reads as follows:

CLUTURE 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 Elizabeth K. Dillon, of Virginia, to be United States District Judge for the Western District of Virginia.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Tom Harkin, Jeff Merkley, Mazie K. Hirono, Patty Murray, Brian Schatz, Sheldon Whitehouse, Charles E. Schumer, Angus S. King, Jr., Charles E. Schumer, Amy Klobuchar, Bill Nelson, Christopher A. Coons, Mark Begich, Christopher Murphy, Barbara Boxer.

LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF LORETTA COPELAND BIGGS TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Mr. REID. I move to proceed to executive session to consider Calendar No. 1147.

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

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

The assistant legislative clerk read the nomination of Loretta Copeland Biggs, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

The motion was agreed to.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLUTURE 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 Loretta Copeland Biggs, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Tom Harkin, Jeff Merkley, Mazie K. Hirono, Patty Murray, Brian Schatz, Sheldon Whitehouse, Charles E. Schumer, Angus S. King, Jr., Amy Klobuchar, Bill Nelson, Christopher A. Coons, Mark Begich, Christopher Murphy, Barbara Boxer.

LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF ELIZABETH K. DILLON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

Mr. REID. I move to proceed to executive session to consider Calendar No. 1146.

The PRESIDENT pro tempore. The question is on agreeing to the motion. The motion was agreed to.

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

The assistant legislative clerk read the nomination of Elizabeth K. Dillon, of Virginia, to be United States District Judge for the Western District of Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The motion is on agreeing to the motion. The motion was agreed to.

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

The bill clerk read as follows:

CLUTURE 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 motion to concur in the House amendment to the Senate amendment to H.R. 83.


The PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 83 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. Feinstein) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. Chambliss), the Senator from Oklahoma (Mr. Cornyn), and the Senator from Oklahoma (Mr. Inhoffe).

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

The yeas and nays resulted—yeas 77, nays 19, as follows:

[Roll Call Vote No. 352 Leg.]

YEAS—77

Alexander  Coochran  Heitkamp
Ayotte  Collins  Hirono
Baldwin  Coons  Hovven
Barrasso  Corker  Isakson
Begich  Cornyn  Johanns
Bennet  Donnelly  Johnson (SD)
Blumenthal  Durbin  Johnson (WI)
Burr  Ruzz  Kaine
Booker  Fischer  King
Boozman  Flake  Kirk
Boxer  Gillibrand  Klobuchar
Boozman  Grassley  Leahy
Brand  Hagans  Levin
Chambliss  Harkin  McCain
Casey  Hatch  McCain
Coates  Heitkamp  McConnell

Tom Coburn
Senator MIKULSKI. As you know, with my colleague from Maryland, wish to discuss an important matter objection, it is so ordered.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague, Senator MIKULSKI.

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

Mrs. MIKULSKI. I thank Senator FEINSTEIN, Mr. President, I wish to discuss an important matter related to H.R. 83, the omnibus bill, with my colleague from Maryland, Senator MIKULSKI. As you know, section 111 of this bill for the Corps of Engineers discusses the agricultural exemptions under section 404(f)(1)(A),(C) of the Clean Water Act.

There has been some confusion as to exactly what this provision does and doesn't do. I would like to clarify that this provision does not expand or modify the current agricultural exemptions that are contained in the Clean Water Act nor does it impact the 'recapture' provision in section 404(f)(2).

Mr. President, can the Senator from Maryland provide a further explanation of the issue?

Ms. MIKULSKI. First and foremost, I wish to thank the Senator from California for her efforts in negotiating the difficult issues within the Energy and Water portion of the omnibus bill.

As the Senator knows, the original House language would have kept the Corps of Engineers from regulating the agricultural exemptions as well as essentially eliminating the recapture provision where permits are needed if an exempted activity impacts waters of the U.S. by impairing circulation of or reducing the reach of such waters.

I was pleased that the language that we were able to work out with Chairman ROGERS and include in the omnibus dropped the language in the original House provision. The compromise language does not change current law and preserves the current scope of agricultural exemptions. The simple fact remains that if you needed a permit before, you will need to get a permit under this provision; if you didn't need one before, you won't under this provision.

Mrs. FEINSTEIN. I thank my colleague so much for this clarification. This is a very important clarification.

AGRICULTURAL EXEMPTIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague, Senator MIKULSKI.

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

Mrs. MIKULSKI. I thank Senator FEINSTEIN. As chairman of the Appropriations Committee to discuss a provision in the fiscal year 2015 Omnibus appropriations bill, which we will vote on shortly in the Senate.

The provision is section 425 of division F of the fiscal year 2015 Omnibus appropriations bill, which preserves the status quo with regard to the regulation of the lead content of ammunition or fishing tackle. The Toxic Substances Control Act regulates the chemical content of products. However, the Environmental Protection Agency has denied petitions to regulate the lead content of ammunition or fishing tackle under this statute. The omnibus provision simply reaffirms EPA's decision not to regulate the lead content of ammunition or fishing tackle under TSQA.

While I oppose restricting EPA's ability to regulate the content of bullets and fishing tackle, I think it is important to be clear about what this provision does. I would ask my colleague, Senator MIKULSKI, if she agrees with this interpretation of section 425.

Ms. MIKULSKI. I thank Senator FEINSTEIN. As chairman of the Appropriations Committee and lead author of the fiscal year 2015 Omnibus appropriations bill, I agree with her understanding of section 425.

Mr. LEVIN. Mr. President, today we face a difficult choice. The appropriations bill before us today contains a lot of good for Michigan and for our country, and it will provide most of our Federal agencies, and the people who rely on them, with the certainty needed to plan and invest. But it also contains some very troubling provisions.

We need appropriations bills like this one to weaken our financial protection laws and to open the floodgates to campaign donations from millionaires. We shouldn't fund our financial regulators far below what they need to do their jobs. We shouldn't meddle with the will of the majority of residents in our Nation's Capital. And we shouldn't let tax cheats walk free by funding the IRS at the lowest level in years. I could go on and on about the flaws in this bill, and there is one in particular that is worth fighting further.

But despite these significant flaws, the alternatives to this bill are also deeply problematic. Passage of a continuing resolution, which would put the Federal Government on autopilot, or worse, a government shutdown, are the two alternatives to passage of this bill. So that leaves us with the terrible decision we face today. So this bill appears poised to pass because it must and because it is better than the terrible alternatives I just discussed. If my vote were needed to pass this bill, I would, grudgingly, vote in favor. But it appears that this bill will pass regardless, and so I will not vote in favor of it today because I express my deep concern about a number of provisions.

That provision, which guts the swaps pushout rule, will repeal an antibailout section of the Dodd-Frank act and risk putting taxpayers back on the hook for Wall Street banks’ risky bets. As chairman of the Permanent Subcommittee on Investigations, just last month I held a hearing on bank involvement in the commodities markets. As chairman of the Permanent Subcommittee on Investigations, just last month I held a hearing on bank involvement in the commodities markets. We found that Wall Street had huge, wide-ranging ownership and control of and inside information about oil, copper, aluminum, uranium, and electricity markets at the same time they were engaging in financial transactions related to those same commodities posing big risks to the banks and, as a result, to the taxpayers who could be called on to bail them out in the event that these bets go awry.

Less than 14 years ago, the seeds of our financial crisis were planted in a derivatives provision planted in the 2001 appropriations bill. This provision, which like the provision in the bill before us, was added at the last minute and not subject to debate on its own, exempted derivatives from regulatory scrutiny, and left regulators, banks, and the American public on the hook with risky bets were written—literally written—by lobbyists for the big banks. According to a New York Times report, 70 of the 85 lines of the provision came directly from Wall Street’s recommendations. Even more surprisingly, according to the Times, “two crucial paragraphs, prepared by Citigroup in conjunction with other Wall Street banks, were cut word for word.”

The Senate has long operated under rules that prevent legislative changes from being made on an appropriations...
The bill. This provision runs completely against that longstanding precedent. The swapout provision is bad policy, and it is bad procedure. And if I could vote against that provision by itself, I certainly would.

But, unfortunately, because of where we are today and because of the decision to insert the unrelated, lobbyist-drafted provision into this bill at the last minute, we won’t be able to considering that provision on its merits. Instead, we are considering this as part of an omnibus package, with the threat of a continuing resolution or a government shutdown looming.

So, I will vote against this bill despite much good that it would do for my State and for our country in hopes that the next Senate will heed the warnings of myself and many of my colleagues that the provision in this bill weakening our country’s banking regulations may sow the seeds of another taxpayer funded bank bailout and another financial crisis.

Ms. COLLINS, Mr. President, I wish to speak on the fiscal year 2015 Consolidated and Further Continuing Appropriations Act that is currently before the Senate.

For the last year, members of the Appropriations Committee have worked hard to develop bipartisan bills that establish priorities and responsibly fund the government. While I would have much preferred each of these bills to have been brought to the floor individually so they could be debated and amended, passage of this compromise legislation to keep government open and provide vital services to Americans who depend on them is essential.

While the legislation funds nearly all government operations, programs, and agencies through the remainder of the fiscal year, notably, this bill funds the Department of Homeland Security only through February 27, 2015, giving Congress the opportunity to act responsibly on the President’s unilateral action on immigration. While I supported the bipartisan legislation to reform our immigration laws that passed the Senate last year, I believe President Obama’s recent Executive action on immigration circumvents Congress and undermines the separation of powers in our Constitution. This bill allows Congress time to formulate an appropriate response.

In addition to the regular funding contained in this bill, the legislation also provides more than $5 billion in emergency funding to address the Ebola crisis at home and abroad. The scope and urgency of this crisis require continued attention, and this funding will build on the important initial investment for the Centers for Disease Control and Prevention and the Department of Health and Human Services that Congress provided in September.

I want to highlight the important work that Chairman MURRAY and I have accomplished as the leaders on the Transportation and Housing and Urban Development Subcommittee on Appropriations. Over this past year, Senator MURRAY and I worked together to craft a bipartisan bill that includes input from Members on both sides of the aisle and provides the necessary resources to our nation’s transportation and housing needs. Every Member of Congress has unmet transportation and housing needs in his or her home State, from crumbling roads and bridges to a growing population of low income families, elderly, and disabled individuals in need of housing assistance.

There are a number of key programs that I would like to highlight. With regard to transportation infrastructure, we secured funding to address the safe transportation of crude oil and other hazardous materials by rail, strengthening three components: prevention, mitigation, and response. These safety measures will help to prevent disasters like the horrific derailment in Lac-Megantic, Quebec, last year—so very close to the Maine border.

We also provide $500 million for the TIGER program, an effective initiative that helps advance transportation infrastructure projects. We all have seen firsthand how these projects create jobs and support economic growth in our home States. In fact in Maine this highly competitive program has supported more than $90 million in funding for roads, bridges, ports, and rail projects.

Turning to air travel, the aviation investments included in the bill will continue to modernize our Nation’s air traffic system and keep rural communities connected to the transportation network. These investments are creating safer skies and a more efficient airspace to move the flying public.

Also included in the bill are provisions I authored, which were adopted by the Appropriations Committee by a bipartisan vote and which respond to potential safety concerns related to DOT regulations governing truck drivers. As a result of unintended consequences of these regulations, more trucks have been forced on our Nation’s roads during the most congested morning hours—when commuters are traveling to work and children are traveling to school. The bill provides temporary relief until the DOT Secretary conducts a comprehensive study on the impacts of these unanticipated outcomes.

In addition to these transportation programs, our Nation faces threats to our security. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

For our Military, I am pleased that this bill also includes funding for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.

Turning to our Nation’s public shipyards, I am pleased that this bill funds our Navy’s facility maintenance and modernization efforts. The destroyers, I am pleased that this bill provides for the procurement of 38 F–35s and for four additional aircraft. The F–35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Sac, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study or an extra engine for the F–35 fighter, which would have wasted billions of dollars.
program provides VA-covered health care services through non-VA providers and has been crucial to increasing access to care for rural Maine veterans.

The funding bill also provides additional resources to implement the reforms in the recently enacted Veterans Access to Care through Choice, Accountability, and Transparency Act.

We must increase our investment in biomedical research, and this bill provides $72 million in new funding for Alzheimer’s Disease research, treatment, and caregiver programs. This important step takes us closer toward the goal of doubling funding for Alzheimer’s research and eventually reaching the level of $2 billion a year in federal investment. This is the amount that the chairman of the Alzheimer’s Advisory Council has said will be necessary if we are to reach our goal of having a way to prevent or effectively treat Alzheimer’s Disease by 2025. At a time when Alzheimer’s is costing our Nation $214 billion a year, including $150 billion in costs to Medicare and Medicaid, we are spending less than $600 million a year on Alzheimer’s research. While this bill does take a step forward, clearly we need to do more.

In this bill, we gut hard-working Americans’ pensions, and instead of the $5 billion in the Emergency Budget Transparency Act, which ensures that the UMWA’s Pension Plan remains solvent to benefit miners who have helped power this Nation, we give the Pentagon tanks and ships and planes they don’t need or even want. We have seen our political process become more corrosive than ever in recent years.

We have already seen the negative effects that the Citizens United ruling has had on our elections. It has allowed unlimited and dark money to distort the records of our colleagues, flood our airwaves with negative comments and shrink our campaigns to sound bites instead of ideas.

What does this bill do to address this? It increases the limits for individual contributions to political parties by 10 times the current limit—$2,700 to $27,400. The new limit of $22,400 is inconceivable for the vast majority of Americans. That means not only are we are 10 times the current limit, but also that this limit is already too high for most West Virginia and Americans to be able to take full advantage. The new limit of $324,000 is inconceivable for the vast majority of Americans. That means what we need to do is allow Americans to be able to take full advantage. The new limit of $324,000 is inconceivable for the vast majority of Americans. That means that our political process will only be available to a small number of wealthy individuals who will have more influence on our government than the hard-working Americans we are sent here to represent.

Main Street America is still hurting from the fallout of Wall Street behavior. Americans lost 8.8 million jobs and our GDP fell by at least $7.2 trillion. We lost a generation of jobs and economic progress. And while our economy is still trying to recover and millions of Americans are still out of work, Wall Street has seen record profits.

Instead of working to help our small businesses, community banks, and credit agencies, this bill allows Wall Street banks to go back to the same risky behavior that drove us into the great recession in the first place. If we pass this bill, we will allow Wall Street banks to trade risky derivatives and once again force American taxpayers to bail them out if they lose their bets.

Mr. President, I understand omnibus compromise, but negotiations start once again force American taxpayers to bail them out if they lose their bets.
with participation. Here, most Members of the Senate were not even consulted on this bill, nor was there an opportunity to offer amendments.

Senator Robert C. Byrd, a man who defined what it meant to be a representative of the people and one of the most passionate United States Senators to date, told me what it was like to work in the Senate before the process was broken. Upon arriving in the Senate, I assumed those same rules of conduct applied until Members here in this body explained to me just how much has changed.

We used to consider individual appropriations bills that were carefully deliberated by committee members, and then we brought those smaller bills to the floor and were given an opportunity to offer amendments and debate the bill in a timely, proper manner. Somehow, the Senate process has gotten away from the days of regular order. Instead, here we are today, where we were given two days to read a 1,600-page bill loaded with provisions that we cannot even amend.

Since we are forced to consider this bill as a whole, I have determined that it is simply too flawed for me to support.

I urge my colleagues to stay here another week and truly draft a bipartisan omnibus package that fairly represents American values.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CRUZ. Mr. President, 1 month ago President Obama announced unprecedented Executive amnesty, in direct conflict with the immigration laws passed by Congress. Tonight is the first opportunity that Congress has to express its disapproval.

A dozen Democrats have publicly criticized the Executive amnesty. Tonight, both Democrats and Republicans will have the opportunity to show America where they stand with the President, who is defying the will of the voters, or with the millions of Americans who want a safe and legal immigration system.

This point of order is targeted not to the entire omnibus but specifically to the DHS funding that the President has announced will be spent unconstitutionally.

If you believe President Obama’s amnesty is unconstitutional, vote yes. If you believe President Obama’s amnesty is consistent with the Constitution, then vote no. Accordingly, I raise a constitutional point of order against Division L of the pending House amendment, on the grounds that it violates the following provisions of the Constitution: the separation of powers embodied in the vesting clauses of article I, section 1, and article II, section 1; the enumerated powers of Congress, stated in article I, section 8; and the requirement that the President take care that the laws be faithfully executed as stated in article II, section 3.

It is incumbent on this body to resolve those constitutional questions and to honor and protect the constitutional authority of the United States Congress.

I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The majority leader.

Mr. REID. Mr. President, from Texas.

Mr. CRUZ. Mr. President, I yield back all time.

The PRESIDENT pro tempore. All time has expired. Mr. REID. Mr. President, regular order.

The PRESIDENT pro tempore. All time has expired. Regular order has been requested.

Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate, Is the point of order well taken?

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative work calls the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 22, nays 74, as follows:

[Roll Call Vote No. 333 Leg.]

YEAS—22

Yeas—22

Baucus
Blumenthal
Boozman
Burr
Crapo
Cruz
Fischer

Nays—74

Rubio
Scott

Sessions
Shelby

Thune

Vitter

Alexander
Arocho
Barrasso
Baucus
Blumenthal
Boozman
Burr
Crapo
Cruz
Fischer

Mikulski
Graham
Haggen
Harkin
Hatch
Hence
Hirono
Heitkamp
Heller
Himes

Reid
Reid
Rockefeller
Sanders
Schatz
Schumer
Shab Zw
Stabenow
Tester
Toomey

Bennet
Boozman
Brown
Bryan
Collins
Cochran
Coons
Corker
Corzine
Donnelly
Durbin
Ezzi
Franken

Johnson (SD)
Johnson (WI)
Johnson (SD)
Johnson (WI)
Johnson (SD)

Kaine
Carper
Casey
Collins
Boxer
Biden
Blunt
Boozman
Burr
Carper
Cassidy

McConnell
McConnell
McCaskill
McCaskill
McConnell
Menendez
Merkley

Portman
Paul
Perdue
Portman
Portman
Portman
Portman
Portman
Portman
Portman
Portman
Portman

Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse
Whitehouse

Vitter

INHOFE).
EXPLANATION OF CONGRESSIONAL INTENT

Mr. REID. Mr. President, the intent of division N, section 101 is to establish separate limits for funds raised into separate, segregated accounts established by national political party committees for certain specified purposes. All of these funds are "hard money," subject to all of the source limitations, prohibitions, and disclosure provisions of the act.

The first account, described in section 307(a)(9)(A) of FECA, as amended, is intended to allow a national committee of a political party—other than a national congressional campaign committee—to defray expenses related to a Presidential nominating convention using funds raised under separate, increased limits. Section 307(a)(9)(A) also caps the aggregate amount of expenditures a national political party committee may make from such account with respect to any convention at $20,000,000. This section is intended to provide national political party committees with a means of acquiring additional resources to be used specifically in connection with the funding of Presidential nominating conventions because such conventions may no longer be paid for with public funds. It is the intent to allow these funds to be used in the same manner as the former public funds could have used to pay for the costs of fundraising for this segregated account.

The second account, described in section 315(a)(9)(B) of FECA, as amended, is intended to permit a national committee of a political party—including a national congressional campaign committee of a political party—to defray expenses incurred with respect to the construction, purchase, renovation, operation and furnishing of party headquarter buildings located throughout the United States, including the cost of fundraising for this segregated account, using funds raised under separate, increased limits. Funds in these accounts also may be used to repay loans and other obligations incurred for the purpose of defraying such building expenses, including loans and obligations incurred 2 years before the date of the enactment of this act.

The third account, described in section 315(a)(9)(C) of FECA, as amended, is intended to permit a national committee of a political party—including a national congressional campaign committee of a political party—to defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings, including the costs of fundraising for this segregated account, using funds raised under a separate limit. Section 101 of division N is not intended to modify Federal Election Commission prohibitions on the raising and spending of funds by campaign or State or national party committees. See FEC Advisory Opinion 2006-24, 2009-4. Section 101 is also intended to permit the national parties to use such funds for costs, fees, and disbursements associated with other legal proceedings.

Finally, under current law coordinated funds do not qualify as separate accounts. The act provides that these provisions to the existing accounts as described in section 315 of FECA and therefore it is the intent of the amendments contained herein that expenditures made from the accounts described in section 315(a)(9) of FECA, many property owners, and otherwise cost the federal government, are not for the purpose of influencing Federal elections, do not count against the coordinated party expenditure limits described in section 315(d) of FECA.

FIRST STATE HISTORICAL NATIONAL PARK

Mr. CARPER. Mr. President, I ask unanimous consent to engage in a colloquy with the Chair of the Energy and Natural Resources Committee, Senator Lандриу, concerning the authorization of the First State National Historical Park that was included within H.R. 3979, the National Defense Authorization Act.

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

Mr. CARPER. As the chairman is aware, our staffs worked diligently with property owners and stakeholders in the drafting of the language authorizing the First State National Historical Park within H.R. 3979. The authorization includes language that redesignates the sites currently within the boundary of the First State National Monument and authorizes four additional sites—the Old Swedes Church, Fort Christina, the John Dickinson Plantation, and the Ryves Holt House—to be included within the boundary of the new First State National Historical Park. The language allows the National Park Service to acquire the listed additional sites only under very specific parameters, including by purchase from a willing seller; by exchange, which can only be achieved if the property owner consents; or by donation. No lands or interests in land can be acquired by condemnation, so no landowner can be forced to sell their property for inclusion in the park. To further clarify our intent, the legislation references a map outlining the boundaries for each of the eligible sites.

I would like to ask the Chair of the Committee on Energy and Natural Resources whether she agrees with my intention to modify Federal Election Commission prohibitions on the raising and spending of funds by campaign or State or national party committees. See FEC Advisory Opinion.