

an extremely important debate about the future of the country after the recess, but we know what is going on. What I hear is the majority leader does not want to keep his word to the Senate or to the American people. We will take that into consideration as we move forward.

With regard to this D.C. Circuit nomination—talk about a manufactured crisis. This well-qualified nominee came out of the committee unanimously. We have been operating on confirming judges on the basis of coming out of committee. So the majority leader decided that wasn't good enough and to do it now.

Yesterday I objected to that simply because—we did not have a problem here. We have been operating in a very collegial and sensible way. However, he has now manufactured something he can call a filibuster by filing cloture on a nominee we were prepared to confirm in an up-or-down vote in a week from now. So we ought to confirm him now.

Therefore, as I noted yesterday, Senate Republicans don't have a problem with an up-or-down vote on this pending nominee for the D.C. Circuit. Indeed, the day after his nomination appeared on the Executive Calendar for the first time, we offered to have an up-or-down vote on the nomination. The only thing we asked was that Members who did not serve on the Judiciary Committee have at least a reasonable amount of time to review his record. Unfortunately, the majority would not take yes for an answer.

Instead, it moved to set a 60-vote hurdle by filing cloture on the nomination the day after it first appeared on the calendar. It was heavyhanded, and, frankly, completely mystifying. As I said, the nomination had been on the Executive Calendar for barely a day, but we are not going to let the majority leader manufacture an obstruction crisis where none exists.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the cloture vote scheduled for Executive Calendar No. 95 be vitiated; further, the Senate proceed to executive session at 1 p.m. today for the consideration of Calendar No. 95; there be 1 hour of debate equally divided in the usual form, and at the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate, and that the President then be notified of Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am not going to have a long conversation this morning with my friend the Republican leader, other than to say this: My speech speaks for itself. I wrote it; no one else wrote it. It is my speech, and

I want everyone to look at that. I want Republicans and Democrats to look at it.

I also want the record to be clear: This man, on whom we are going to vote this afternoon at 1 p.m. or 2 p.m.—whatever time the consent agreement suggests—has been waiting 1 year. So the Republican leader can talk about how quickly it came, but this man has been waiting for a year. I went through the statistics, and I will not go over them again. I hope things work out in this Senate so we don't have to go through anymore procedural battles, but things are not working well. I went through the statistics, and they are in my speech.

I don't object.

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

The Republican leader.

Mr. MCCONNELL. Let me make sure everybody understands where we are. Let's have no misunderstandings. What the majority leader is doing is trying to get 51 votes to break the rules of the Senate and change the rules of the Senate. We know what he is doing, and let's make no mistake what the stakes are: He is threatening this institution, which he elected, in part, to protect, by manufacturing a crisis that does not exist. As we all know, in the Senate every Senator has the ability to impact how we do business. Unanimous consent means exactly what it says, unanimous consent.

I hope the majority leader will think long and hard, and I hope my friends in the majority, who may some day be in the minority—I know there are a lot of new Democratic Senators who think that will never happen, but amazingly enough the American people do, from time to time, change their minds about who they want running the country. The shoe could be on the other foot, and we never know when. I could have the job the majority leader currently has.

I think we need to think long and hard about protecting this institution and its traditions, particularly manufacturing crises when they don't exist.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, prior to coming to Congress, I was a trial lawyer. I tried more than 100 cases to a jury. The jury decided what was right or wrong in the particular conflict, and I have the American people on my side with this conflict. They don't like what is going on in the Senate, and I have an obligation to protect the Senate. I know that, and my friend reminds me of that, and I think of it very often. I think of it every day and when I have my weekly caucus with my 54 Democratic Senators. I represent them to represent the people they represent. I represent, because the people they represent are Republicans, Democrats and Independents, and I understand that.

So I am willing to take this case to the American people. I hope we can resolve any problems we have, but it is not right what is going on. I submit my

case to the American people. I submit my case to the American people.

I don't know what he is talking about. I had a very early meeting this morning. I haven't read the newspaper. Maybe there is something in there I will have to deny. I don't know anything about the 51 votes. I look for 51 votes all the time on many different issues.

As I said, I don't want to have any animosity between me and my friend. He is a lawyer. I am a lawyer. He represents Kentucky. I represent Nevada. We both represent our respective caucuses and we both have an obligation to make this place work better.

The ACTING PRESIDENT pro tempore. The Republican leader.

#### IRS AND OBAMACARE

Mr. MCCONNELL. Mr. President, now I wish to talk about a real scandal and not a manufactured crisis.

Nearly 2 weeks have now passed since we learned about the scandal at the IRS. The more we learn, the more troubling it becomes. It is now clear this was about much more than one or two employees going rogue at some far-flung office out in the administrative hinterlands as was first suggested.

The facts we have seen so far point to something far more systemic than that, and it shouldn't surprise anybody. This is the IRS we are talking about—the IRS. This is an agency that is basically a euphemism for mind-numbing bureaucracy—the kind of place where one would assume nobody does much of anything without signatures and countersignatures from section chiefs and subsection chiefs and deputy office heads and secondary assistant deputy subassociate directors; sort of like a Kafka novel without the laughs.

So what we first heard always stretched credulity. Employees at ground zero of the Federal bureaucracy going rogue? Come on. Think back to the testimony we heard this week—or didn't hear. Why did Lois Lerner and other senior and former IRS officials refuse to address questions they had previously misled Congress? Somehow I doubt it is because they had nothing of interest to say. We will look forward to hearing more from them and we will look forward to hearing from whom ever actually made the decisions that led to these abuses, since no one we have heard from yet is able to take responsibility for what went on.

Let's not forget the administration continues to give us different timelines about who knew what and when.

So the long and short of the situation is this: The public doesn't know the full story yet. A number of my constituents have shared stories with my office about the IRS auditing their organizations and businesses during the recent Presidential campaign for the first time ever. All of a sudden they get

audited during the Presidential campaign for the first time ever.

These folks believe the audits were conducted for no other reason than the fact that their groups were conservative, and they believe the questions they have been asked have more to do with their political views than their business activities.

Without a proper investigation, frankly, we will just never know. So we owe it to our constituents to have a detailed and deliberate investigation. That is why both House and Senate committees have begun investigations into the matter.

That is why, last week, every Republican on the Finance Committee signed a letter to the Inspector General for Tax Administration requesting a probe into reports that the IRS leaked confidential information about conservative groups—actually, to their political opponents—leaked information about conservative groups to their political opponents, and that is why even the FBI is looking into the matter, because as Attorney General Holder recently testified, the IRS's targeting of conservative groups could have violated numerous criminal provisions.

I am willing to bet there is a lot more we will discover in terms of scope, in terms of timeline, in terms of who was involved and why. But we certainly can't go about fixing the problem—we can't remove all of those who need to be removed, we can't put safeguards in place if they are deemed necessary—until we find out all the details.

Here is another thing we shouldn't be doing: handing over the administration of ObamaCare to these folks—handing over the administration of ObamaCare to the IRS. Think about that, the deeply unpopular law being administered by an agency that has so betrayed the public trust. Even the IRS's staunchest defenders in this scandal describe their actions as a case of "horrible customer service." That is the best they can say: "Horrible customer service." Now they are going to be put in charge of a new \$1 trillion program, one that will give them access to all sorts of sensitive and deeply personal information?

That is just what the administration and congressional Democrats are about to let happen. The IRS is in charge of administering some of the most important elements of ObamaCare, and for many Americans that is going to mean submitting to probing questions about their health insurance, questions such as—this is the IRS asking you, American citizens: Do you have insurance? What kind of insurance is it? Does it follow our rules? If the people at the IRS don't like the answers, Americans will be hit with new taxes. If the people over at the IRS don't like the answers to their questions about Americans' health insurance, they will be hit with new taxes.

For small businesses, the questions are going to be far more extensive and the consequences for noncompliance

far worse. The agency will have broad discretion to define what constitutes noncompliance. The IRS will have broad authority to determine what is noncompliance with ObamaCare. This is nuts.

The potential for waste and abuse would have been there regardless of which agency was put in charge of administering this bloated law. ObamaCare is massive—about 20,000 pages of regulations already. That is about 7 feet tall. So waste and abuse is basically unavoidable, but now we are going to have Americans worrying they might be discriminated against too, just for having an opinion. Do my colleagues know what. We are not going to be able to tell them not to worry because we don't know the truth ourselves yet.

Guess who is heading the IRS office charged with managing ObamaCare. Get this. It is the very same person who led the division of IRS now embroiled in the scandal who oversaw the very office now under fire for the discriminatory and harassing behavior. I am not making this up.

Here is what needs to be done today: No. 1, the administration needs to work honestly and transparently with us to get to the bottom of this scandal once and for all. They can do that by working cooperatively with congressional investigators. They can do it by testifying openly and sharing key documents with House and Senate committees. They can help us conduct a thorough administrationwide review to ensure no other discrimination of this kind is occurring anywhere else—anywhere else—in the Federal Government.

No. 2, the administration needs to suspend its implementation of ObamaCare until all the things I mentioned have been taken care of. The Supreme Court declared the individual mandate, the core of ObamaCare, to be a tax—a tax—so IRS involvement is going to be absolutely unavoidable. That needs to be halted.

Better yet, the administration could work with us to repeal the law and put in place health reforms that might actually work to control costs and provide better quality of care for our constituents. I wouldn't hold my breath on that one, by the way, but here is what I do know. I know we need to get to the bottom of this IRS scandal because, at a minimum, Americans from the left, right, and center should not have to worry their government will harass or intimidate them for daring—daring—to have an opinion and express it. They shouldn't have to worry about that when partaking in the political process, and they certainly should not have to worry about it when it comes to an issue as personal and as sensitive as health care.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Kansas.

#### TRIBUTE TO MELVIN MINOR

Mr. MORAN. Mr. President, I rise to speak in morning business, and I wish to recognize the presence of my senior Senator from Kansas.

I am here to visit about an individual who died in Kansas recently to whom I wish to pay tribute. There are many things we admire about our folks back in our home State of Kansas, but one of the things that stands out to me is how strongly people care about their local communities and the citizens who live there. It is demonstrated by volunteering at school, serving at their church or getting involved in public service. Kansans are often looking for ways to improve the lives of those who are around them.

Former Kansas State Representative Melvin Minor was exactly one of those individuals. In Kansas, his family, his constituents lost a great man. He was a talented educator, highly regarded by his students, and a dedicated public servant.

Mel was born in 1937 in the small Central Kansas community of Arlington. As a young man, he attended Kansas State Teachers College—now known as Emporia State University—where he graduated in 1959.

Six years later, Mel married Carolyn Fuller and spent the next 46 years by her side before her passing in 2011. Together they raised two daughters, Gayle and Mary Jo.

Mel and Carolyn had a lot in common, especially their interest in education and in young people. In fact, they met while they were both serving, working as teachers. For 15 years Mel taught American Government and Carolyn taught home economics in the St. John School District.

Many of us can remember a favorite teacher who made an impact on our lives when we were growing up, someone who taught us not only facts and figures but also instilled in us a love for learning and an interest in the world around us. Mel was just that kind of teacher for many Kansas high school students. St. John is a small rural community in Central Kansas with less than 1,500 people.

Many folks who live in St. John make their living on the farm and Mel understood this way of life and could