

Catherine Ann Novelli, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years?

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Florida (Mr. RUBIO).

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 32 Ex.]

YEAS—97

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoehn	Roberts
Brown	Inhofe	Sanders
Burr	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Landrieu	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Udall (NM)
Crapo	Manchin	Vitter
Cruz	Markey	McCain
Donnelly	McCaskill	Walsh
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Fischer	Mikulski	Wicker
Flake	Moran	Wyden
Franken		

NOT VOTING—3

Coburn                      Rockefeller                      Rubio

The nomination was confirmed.

VOTE ON NOVELLI NOMINATION

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

Mr. PRYOR. Madam President, I ask unanimous consent that all time be yielded back.

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

The question is, Will the Senate advise and consent to the nomination of Catherine Ann Novelli, of Virginia, to be an Under Secretary of State (Economic Growth, Energy, and the Environment)?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 1:45 is equally divided.

The Senator from Arkansas.

UNANIMOUS CONSENT REQUEST—  
EXECUTIVE CALENDAR

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 565 and 570; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object—and I will object—I wish to remind my colleagues of a couple important points.

First, over the last several weeks some of my colleagues in the majority have expressed frustration because some of the nominees they support haven't been brought up for a final vote. I must say this is quite surprising to me.

As everyone knows, late last year the Senate Democrats invoked the so-called nuclear option. The stated reason for doing so of course was to strip the minority of our ability to stop any judicial or executive nominees on the floor. In fact, just before invoking the so-called nuclear option, here is what the majority leader said about it:

The change we propose today would ensure executive and judicial nominations an up or down vote on confirmation—yes or no.

The rule change will make cloture for all nominations other than the Supreme Court a majority threshold vote—yes or no.

Of course, 52 Democrats voted to take this unprecedented step, which tossed aside two centuries of Senate history and tradition, even though this President has an outstanding record of getting his nominations confirmed. In fact, prior to the President's attempt to fill the DC Circuit with judges they didn't need, the Senate had confirmed 215 of the President's judicial nominees, rejecting only 2. That is more than a 99-percent approval rating of the President's nominees.

Notwithstanding that record, however, the majority voted to cut the minority out of the process on the floor. I note there was bipartisan opposition to what the majority leader tried to accomplish. Three Democrats voted

against it. I have to give credit to the Senator from Arkansas who has made this unanimous consent to be one of those who thought the minority should not be cut out of the process.

The bottom line is that under the precedent 52 Democrats voted to establish, the majority leader now can bring up at any time these nominations for a vote on the floor whenever he decides to do it. If he did, the nominees would be confirmed within no more than 2 hours of debate.

So the minority simply has no ability to stop anyone from getting a vote. There is no filibuster of any nominees anymore, which is the whole point of what the majority chose to do in November.

I object to this unanimous consent and respectfully suggest that any Senator—including the Senator from Arkansas—discuss the matter with the one individual who has the ability to bypass the minority in that matter, and that happens to be the one Senator who is the majority leader of the Senate.

I do object, and I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mr. PRYOR. Madam President, I wish to respond and further explain.

We have two judges pending on the calendar right now. In the sequence of judges to be considered, they are No. 2 and No. 7; one is Timothy Brooks and the other is James Moody.

Tim Brooks was nominated by the White House in June and came out of the Judiciary Committee in October. Jay Moody was nominated by the White House in July and came out of the Judiciary Committee in November.

On the Federal bench in Arkansas district court level, we have eight judges. We now have two vacancies. I don't wish to be dramatic and declare a judicial emergency, but certainly people should understand we are only working at 75 percent horsepower right now and we need to get these judges confirmed forthwith.

Yesterday, I stood at my desk and notified the Senate I was going to make this request. I did not receive an objection, as far as I know—unless maybe a staff person talked to a staff person. But I never heard of any objection.

It is bad enough to have 25 percent of our judiciary in Arkansas which needs to be filled, but the real urgency for this is a matter of State law. James Moody is an elected State court judge. He is an elected trial court judge. Under Arkansas law, this is a non-partisan position. Our filing deadline for the 2014 election cycle opens on the 24th of February and it goes to March 3.

So here is the problem: Today is February 12. We are about to have a snowstorm tonight and the next few days and next week we are on recess. We come back on February 24. The filing period will already be open in Arkansas. I wish I could tell Judge Moody:

Don't worry about it; you are going to be confirmed when we get back. The way things have worked around here recently, I can't give him that guarantee. I can't give him my word. I can't tell him: Judge, don't file for reelection. Just go ahead and wait and trust that this is going to happen. I can't do that under the circumstances. So he is in limbo.

There are other lawyers and judges in Arkansas who want to run for his position. There is a domino effect in the local judiciary and local bar about this.

Under Arkansas State law, once he files, he cannot get his name off the ballot. These are nonpartisan elections. If they were party elections, he could go to the State party and they could handle it through their primary process or through their rules or whatever. But that is not the case here. There is no party to go to. Once he files and his name is on the ballot, he is on the ballot, and that is a big problem. This is causing a lot of problems back home.

There is no principle involved here. There is no reason why these two judges should be held over. They should have been done at the end of last year. I asked my colleagues to help me do that; I was told no.

We need to get these judges done now so we don't create this problem in Arkansas. Both of these judges are very well qualified. They have all the credentials the American Bar Association looks at. As far as I know, every lawyer in Arkansas is unanimously for both. In fact, I heard my colleague Senator BOOZMAN of Arkansas tell the Republican leader last week: MITCH, if you were picking these judges yourself, you couldn't pick any two better judges.

That is a paraphrase, but that is in effect what he said, and it is true. These are noncontroversial judges. Both these judges should be confirmed now so we don't cause this problem in Arkansas.

I yield the floor, but I will continue to push for these nominations.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask to speak as if in morning business.

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

Mr. HOEVEN. Madam President, I see the good Senator from New Mexico is here. I am willing to defer to the Senator if time is an issue for him. If it is not, I will proceed.

#### MILITARY COLA

Mr. HOEVEN. Madam President, I rise to speak on the issue of the military COLA. This is a cost-of-living adjustment for our military retirees. In the budget agreement, the COLA was reduced for military retirees by 1 percent until they reached age 62, and then the COLA is restored. I am opposed to this provision in the budget, and I have since cosponsored legisla-

tion to fix it, meaning fully reinstating the COLA for our military retired.

The bill we are considering and voting on later today fixes the COLA problem. It reinstates the COLA in full, and that is good. That is what I want to do, and that is what I believe the vast majority of Members in this body on both sides of the aisle want to do. We should pass the bill, and I believe this afternoon we will.

The bill we have been considering this week fixed the COLA problem and restored the cost-of-living adjustment for our military retirees, but it did not cover the cost of doing so. The cost of the legislation is about \$6.8 billion over a 10-year period, which, of course, is the Congressional Budget Office's scoring period. We can cover that cost, and we should. We have the deficit and the debt. We have to address our deficit and debt. We have to make sure we are paying for things, and we can absolutely do that in this case. In fact, we put forward amendments to do just that.

The first amendment I joined in putting forward was one led by Senator KELLY AYOTTE, the Senator from New Hampshire. Her amendment fully covers the cost of fixing the COLA. The way it works is it covers the cost by simply requiring that the additional child tax credit statute is properly enforced. I will explain that.

This amendment will require families with children who apply for the additional child tax credit must have Social Security numbers for those children. This is a simple straightforward enforcement provision to ensure the law is followed. Why wouldn't we make sure the law is enforced? After all, I believe that is an important part of our job.

In fact, I also believe the Treasury Department supports this enforcement provision as well, and I would wish to cite from a recent inspector general's report.

In 2011, the Treasury Department's Inspector General reported that individuals who were not authorized to work in the U.S. received billions by claiming the ACTC, and several news investigations found troubling instances of abuse of this tax credit. In just one example, according to a 2012 news report, an undocumented worker in Indiana admitted that his address was used to file tax returns by four other undocumented workers who fraudulently claimed 20 children in total—resulting in tax refunds totaling nearly \$30,000.

The Joint Committee on Taxation estimates this change would save approximately \$20 billion over 10 years. That is \$20 billion in savings over 10 years, which obviously far more than covers the \$6.8 billion cost of the COLA fix we are putting forward. Clearly that works.

I understand we have not been able to get bipartisan agreement on this pay-for, so we need to find something we can agree on because we need both Republicans and Democrats to pass this legislation to fix the COLA, and that is why I have since offered an-

other pay-for. It is a simple 1-page amendment that provides a pay-for for restoring the cost-of-living adjustment for our military retirees. What it does is it simply extends the provisions of the Budget Control Act—the budget we passed—for one more year, from 2023 to 2024.

I am pleased to say we will be voting on my amendment this afternoon—not because I have offered the amendment but, rather, because the leadership has agreed to offer the House version of the COLA fix. The legislation we will be voting on this afternoon has the pay-for I have just outlined. It is not identical to the amendment I have submitted, but it is very close to it. It ensures our military retirees will receive their much-deserved retirement.

I have urged my Republican colleagues in our caucus to fix this problem, and I have urged my Democratic colleagues on the Senate floor to fix this problem. I believe we will fix the cost-of-living adjustment in a bipartisan way today and restore it for our military retirees. This amendment will make sure we pay for it so we are not increasing the deficit or the debt.

As a former Governor and now as a Senator, I have had the honor and privilege to work with our military men and women. I have been to Iraq and Afghanistan. I have gotten the calls when one of our heroes makes the ultimate sacrifice. I know they put it all on the line for us.

Today I ask my fellow Senators to join with me and vote for our men and women in uniform. We need to fix the COLA for our military retired. We should support those great men and women who wear the uniform and honor and protect us and serve this Nation in the cause of liberty and freedom with their dedicated service.

Join with me and support them and vote for this legislation.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### HEALTH CARE FOR VETERANS

Mr. UDALL of New Mexico. Madam President, I rise today to talk about health care for veterans. This is a critical issue for many veterans who have been left behind and to the many who are not getting the care they need.

First, I want to say how important it is that we have reached an agreement to restore the cut to pensions for working-age military retirees. This cut in the cost-of-living adjustment for military retirees should never have been included in the budget bill.

Let's be clear. The bipartisan budget agreement was critical to New Mexico and our Nation because it rolled back damaging sequestration cuts—cuts that hurt our military and military families.

Working-age military retirees should not have to bear the burden. Many of these men and women have given decades of service to our Nation. They