

through the prism of any politics. I would simply say if there is political spin—several of the Senator's questions are pretty shocking to me in terms of the political nature of them.

As I said to the body, we have had a whole host of efforts to review the facts and come to a determination of the truth of what happened on that day. They have been in public hearings and they have been in secure intelligence briefings. Members on both sides—on both sides—have been exposed to it. Members on both sides got to ask questions across the spectrum, and so from my perspective we have gone through the search of what happened on that fateful day. We all abhor what happened to the men who lost their lives on that day. That is why what I want to do is ensure that we lose no more lives as a result of this Congress's irresponsibility to act on embassy security, knowing what in fact a panel of experts, undisputed in their capacity, has said is necessary to protect our men and women around the world. Yet we cannot seem to get that legislation passed through the Senate. Now, that is about congressional responsibility from my perspective.

Mr. CRUZ. I would note that my friend from New Jersey did not endeavor to answer any of the questions I proffered, including the most simple question, such as did the President sleep on the night of September 11, 2012.

Mr. MENENDEZ. I think whether the President slept on that day, the question is, Did he even get told by those who had information that such an attack was going on? I don't know. The bottom line is would that have saved anybody? I don't know that either.

The bottom line is does the Senator want to do something about saving future lives or does he just want to do politics with this issue? If he wants to save lives tomorrow, where he does have the control—where he does have the control at this moment—then he will let the embassy security bill go forward. If, God forbid, we have an attack somewhere in the world, and the legislation we are seeking in a bipartisan way in response to that independent board is stopped because the other side wishes to stop it, then God forbid we have an attack and lives are cut off. Then there will be an accounting at that time.

Mr. CRUZ. I would thank my friend from New Jersey for a colloquy in support of this joint select committee on Benghazi because the Democratic Senator from New Jersey, the chairman of the Foreign Relations Committee, just told this body he has no idea if President Obama was even told that four Americans were under terrorist attack. He has no idea. He doesn't know what, if anything, the President could have done to save them.

I would suggest that is exactly the reason we need this committee. If the chairman of the Foreign Relations Committee 2 years later cannot answer

that question, it makes abundantly clear that the response of the administration, sadly, and the response of the Senate Democrats has been partisan stonewalling rather than getting to the truth. In the immortal lines of Jack Nicholson, it makes one think perhaps they cannot handle it or at least they don't want to know.

I would finally say I am more than prepared to consent to the request from the senior Senator of New Jersey if he would only show the same reciprocal courtesy of agreeing to the same request; a bipartisan committee, in which he would no doubt participate, to answer the question—the senior Senator from New Jersey just told this body he doesn't know if the President knew. He doesn't know what the President could have done. Apparently, the premise of the statement is he doesn't think the American people care.

I suggest that the American people care a great deal as to what the President knew about national security. They would want to know if he was not engaged or if he didn't act to stop it. That is a matter worthy of inquiry by this body.

Mr. MENENDEZ. I say to my colleague from Texas that we have come to a conclusion based on all of the hearings, all of the testimony, and all of the reports as to what transpired and what we can do to save a life prospectively; therefore, I say to the Senator, he has it in his control to ultimately ensure that we set the foundation so no one else will lose their life. If he wants to hold that hostage to his political efforts to continue an issue that has had thousands of hours of reviews, hearings, reports—all with bipartisan participation—then he can choose to do so.

Mr. CRUZ. Since my friend from New Jersey has made it plain that he will not consent to this request, I will note that this is an open offer that anytime my friend from New Jersey will simply stop blocking a fair, bipartisan, joint inquiry as to what occurred in Benghazi—the terrorist attack that tragically took the lives of four Americans—I am happy to consent.

The PRESIDING OFFICER. The time for morning business has expired.

Is there objection to the request made by the Senator from New Jersey?

Mr. CRUZ. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the request made by the Senator from Texas?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is noted.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBIN S. ROSENBAUM, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Under the previous order, there will be 2 minutes of debate prior to the Rosenbaum nomination.

Mr. HOEVEN. Madam President, I yield back time.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit?

Mr. HOEVEN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

#### YEAS—91

Ayotte	Collins	Heinrich
Barrasso	Coons	Heitkamp
Bennet	Cornyn	Hirono
Blumenthal	Crapo	Hoeben
Blunt	Cruz	Inhofe
Booker	Donnelly	Isakson
Boxer	Durbin	Johanns
Brown	Enzi	Johnson (SD)
Burr	Feinstein	Johnson (WI)
Cantwell	Fischer	Kaine
Cardin	Flake	King
Carper	Franken	Kirk
Casey	Gillibrand	Klobuchar
Chambliss	Grassley	Landrieu
Coats	Hagan	Leahy
Coburn	Harkin	Lee
Cochran	Hatch	Levin

Manchin	Pryor	Stabenow
Markey	Reed	Tester
McCain	Reid	Thune
McCaskill	Risch	Toomey
McConnell	Roberts	Udall (CO)
Menendez	Rockefeller	Udall (NM)
Merkley	Rubio	Walsh
Mikulski	Sanders	Warner
Moran	Schatz	Warren
Murphy	Schumer	Whitehouse
Murray	Scott	Wicker
Nelson	Sessions	Wyden
Paul	Shaheen	
Portman	Shelby	

NOT VOTING—9

Alexander	Boozman	Heller
Baldwin	Corker	Murkowski
Begich	Graham	Vitter

The nomination was confirmed.

NOMINATION OF STEVEN CROLEY TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The assistant bill clerk reported the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form.

Mr. LEVIN. Mr. President, I am pleased to support the nomination of Steven Croley to be the next General Counsel at the Department of Energy. Nominated in August 2013, Dr. Croley has served the Obama administration since 2010, including as Deputy Assistant to the President, Deputy White House Counsel, and Special Assistant to the President for Justice and Regulatory Policy at the Domestic Policy Council. A native of DeWitt, MI, Dr. Croley earned his undergraduate degree from the University of Michigan, where he later went on to teach at the law school after obtaining his juris doctor from Yale Law School and a Ph.D. from Princeton. At the University of Michigan, Dr. Croley was named the Harry Burns Hutchins Collegiate Professor of Law and served as the law school's associate dean for academic affairs, teaching and publishing in the areas of administrative law, civil procedure, regulations, and other areas. He has also served as a special assistant to the U.S. attorney for the Eastern District of Michigan and clerked for Judge Stephen Williams at the U.S. Court of Appeals for the D.C. Circuit. An often-cited authority on regulatory policy and administrative law, he is a co-author of the book "What Agencies Do: The Fourth Branch in Operation," scheduled to be published soon. I am confident his work on regulatory law, administrative procedure, rulemaking, and litigation experience will serve as a constructive framework for his efforts at the Department of Energy. With the support and sacrifice of his family—wife Bridget Mary McCormack, who is currently serving as a justice of the Michigan Supreme Court, and four children, Jack, Anna, Harry,

and Matt—Dr. Croley will make valuable contributions to the work of the Department and the Nation.

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

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

The question is, Will the Senate advise and consent to the nomination of Steven Croley, of Michigan, to be General Counsel of the Department of Energy?

The nomination was confirmed.

Mr. REID. Mr. President, the Republican leader and I are going to have a short colloquy here. There will be one more rollcall vote tonight. The next rollcall vote will be tomorrow.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—Resumed

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all filed amendments to Calendar No. 368, S. 2262, be in order for floor consideration of this bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we had an agreement to do the bill. Then we changed it to do it with Keystone. That is still our agreement. We are willing to do this bill, energy efficiency, which is such a good bill. We are in agreement that we could have an up-or-down vote very shortly thereafter on Keystone.

So without going through all of the details, that is what I want to do. He does not want to do that. I object to his unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, therefore, I propose a different unanimous consent agreement. I ask unanimous consent that the only amendments in order be five amendments from the Republican side related to energy policy with a 60-vote threshold on adoption of each amendment. I further ask that following the disposition of these amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented

under Rule XXII, the Chair directs the clerk to read the motion.

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 S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

Harry Reid, Jeanne Shaheen, Edward J. Markey, Christopher A. Coons, Tammy Baldwin, Patty Murray, Richard J. Durbin, Barbara Boxer, Maria Cantwell, Ron Wyden, Robert Menendez, Jon Tester, Debbie Stabenow, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Mark R. Warner.

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 S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes, 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 Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Mr. BEGICH) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay," the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay," and the Senator from Tennessee (Mr. CORKER) would have voted "nay."

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

The yeas and nays resulted—yeas 55, nays 36, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—55

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

NAYS—36

Barrasso	Chambliss	Cochran
Blunt	Coats	Cornyn
Burr	Coburn	Crapo