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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, SECOND SESSION

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No. 145

## 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 Lord God, our shelter in turbulent times, as voices throughout the Nation cry out for equal protection under the law, use our lawmakers to ensure that justice rolls down like waters and righteousness like a mighty stream.

Thank You for not leaving or forsaking us, for You continue to be our ever-present help in trouble. We are Your people and the sheep of Your pasture.

Shepherd of Love, continue to provide for our every need from the rich bounties of Your grace. In a special way bless the lawmakers who will take the oath of office today.

We pray in Your great 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.

### SCHEDULE

Mr. REID. Following my remarks and those of the Republican leader, the Senate will resume executive session. There will be four rollcall votes at 10:30 a.m. on the confirmation of the Mamet and Bell nominations and cloture on the Coloretti and Adler nominations.

The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

There will be a series of three votes at 4 p.m. on confirmation of the Coloretti and Adler nominations and cloture on the Burrows nomination.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

### CERTIFICATES OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election to fill the unexpired terms for the States of Hawaii and South Carolina. The certificates, the Chair is advised, are in the form suggested by the Senate. If there be no objection, the reading of the certificates will be waived, and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

#### CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November, 2014, Brian Schatz was duly chosen by the qualified electors of the State of Hawaii a Senator for the unexpired term ending at noon on the 3rd day of January, 2017, to fill the vacancy in the representation from said State in the Senate of the United States caused by the death of Daniel K. Inouye.

Witness: His excellency our governor Neil Abercrombie, and our seal hereto affixed at Honolulu this 24th day of November, in the year of our Lord 2014.

By the Governor:

NEIL ABERCROMBIE,  
Governor.

SCOTT T. NAGO,  
Chief Election Officer.

[State Seal Affixed]

#### THE STATE OF SOUTH CAROLINA CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

*To the President of the Senate of the United States:*

This is to certify that on the fourth day of November A.D. 2014, Tim Scott was duly chosen by the qualified electors of the State of South Carolina a Senator for the unexpired term ending at noon on the third day of January, 2017, to fill the vacancy in the representation from said State in the Senate of the United States caused by the resignation of Jim DeMint.

Witness: Her Excellency our governor Nikki R. Haley and our seal hereto affixed at Columbia, South Carolina, this twenty-fourth day of November in the year of our Lord 2014.

NIKKI R. HALEY,  
Governor.

MARK HAMMOND,  
Secretary of State.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators-elect will now present themselves at the desk, the Chair will administer the oath of office.

Mr. SCHATZ and Mr. SCOTT, escorted by Mr. BEGICH and Mr. GRAHAM, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senators.

(Applause, Senators rising.)

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOKER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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



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Mr. McCAIN. I ask unanimous consent that I be allowed to address the Senate on the pending nominations before the Senate.

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

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF NOAH BRYSON MAMET TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARGENTINE REPUBLIC

#### NOMINATION OF COLLEEN BRADLEY BELL TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO HUNGARY

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

The legislative clerk read the nominations of Noah Bryson Mamet, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic; and Colleen Bradley Bell, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

The PRESIDING OFFICER. The Senator from Arizona.

#### BELL NOMINATION

Mr. McCAIN. Mr. President, I don't usually object to the appointments and nominations by the administration to various ambassadorial positions around the world. I also understand there are numbers of political supporters, financial supporters, and that this is characteristic of Republican and Democratic administrations alike. It has never disturbed me when I have observed nominees to a Caribbean country or maybe to London or Paris or Berlin being rewarded for support both financial and otherwise. But now we are at a point where, according to the Washington Post, modern Presidents have generally followed a 70-30 rule on ambassadorial appointments—where 70 percent are career foreign service and 30 percent are political appointees. President Obama has defied this historic bipartisan political practice, and in his second term a shocking 53 percent of ambassadorial nominees have been political. This brings his 2-term average to 37—far more than any administration in the past. What is very interesting is that some of these nominees are in very sensitive positions

around the world. The nomination of Ms. Colleen Bell is probably the most egregious example of that.

Hungary is a close ally—in many respects—but there is no doubt that since taking office in 2010 the Hungarian Prime Minister, Mr. Viktor Orban, has centralized power, has faced scrutiny due to actions that critics charge are inconsistent with democratic principles and practices. His government has reduced the independence of Hungary's courts, pushed through controversial changes to the constitution, and placed acute restrictions on non-governmental organizations. In other words, this is a very important country. This is a very important country where bad things are going on.

Ms. Bell's experiences have been largely relegated to producing the television soap opera "The Bold and the Beautiful." Now, I am sure television viewing is important in Hungary, but the fact is this nominee is totally unqualified for this position in this country.

Now, if it were, as I say, some Caribbean country or some other, I would understand that. But here we are in a relationship with a country where, according to Bloomberg News, "Orban says he seeks to end liberal democracy in Hungary. Hungarian Prime Minister Viktor Orban said he wants to abandon liberal democracy in favor of an 'illiberal state,' citing Russia and Turkey as examples."

By the way, we have an excellent DCM there in Hungary who has been doing a great job.

Ms. Bell has two qualifications. One is she is a producer of a television soap opera. She has no experience in foreign policy or national security, no familiarity with the language, country, or the region, has never been there, and lacks meaningful knowledge of history or economics. Her only significant qualification is that she bundled, as the word is used, \$800,000 to President Obama in the last election, and as part of the California delegation to the 2012 Democratic convention, she bundled more than \$2.1 million for President Obama's reelection effort.

I want to repeat again that I understand there are awards for political support and it has grown with "bundling." But when we send a person who doesn't know the language—has never been to the country, has no familiarity in foreign policy or national security—to a nation of this importance, then, my friends, we are making a serious mistake.

The Hungarian Prime Minister is distancing himself from the values shared by most European Union nations. Orban said civil society organizers receiving funding from abroad needed to be "monitored," as he considered those to be agents of foreign powers. We are talking about the International Republican Institute, the National Democratic Institute, Freedom House, and others.

He said:

We're not dealing with civil society members but paid political activists who are trying to help foreign interests here.

Amazing. Orban, who has fueled employment with public works projects, said he wants to replace welfare societies with a welfare state. But the main problem is that Mr. Orban is cozying up to Vladimir Putin. He has now entered into a nuclear deal, and he is practicing the same kinds of anti-democratic practices as what seems to be his role model—Vladimir Putin.

Mr. President, I ask unanimous consent that a letter to Mr. REID from the 15 former presidents of the American Foreign Service Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 6, 2014.

DEAR SENATOR REID, Among the nominees for ambassadorships currently under consideration by the Senate, three have generated considerable public controversy: George Tsunis (Norway), Colleen Bell (Hungary), and Noah Mamet (Argentina). The nominations of Mr. Tsunis and Ms. Bell have been forwarded to the full Senate by the Senate Foreign Relations Committee.

As former presidents of the American Foreign Service Association, the professional association and trade union of career members of the Foreign Service, we urge you to oppose granting Senate consent to these three candidates. Although we have no reason to doubt that the nominees are conscientious and worthy Americans, the fact that they appear to have been chosen on the basis of their service in raising money for electoral campaigns, with minimal demonstrated qualifications for their posts, has subjected them to widespread public ridicule, not only in the U.S. but also abroad. As a result, their effectiveness as U.S. representatives in their host countries would be severely impaired from the start. Their nominations also convey a disrespectful message, that relations with the host country are not significant enough to demand a chief of mission with relevant expertise.

These three nominations represent a continuation of an increasingly unsavory and unwise practice by both parties. In the words of President Theodore Roosevelt, "The spoils or patronage theory is that public office is primarily designed for partisan plunder." Sadly it has persisted, even after President Nixon's acknowledged rewarding of ambassadorial nominations to major campaign donors was exposed. Recognizing that the practice was inconsistent with democratic principles, the U.S. Congress in the Foreign Service Act of 1980 set the following guidelines:

#### SEC. 304. APPOINTMENT OF CHIEFS OF MISSION.—

(a)(1)An individual appointed or assigned to be a chief of mission should possess clearly demonstrated competence to perform the duties of a chief of mission, including, to the maximum extent practicable, a useful knowledge of the principal language or dialect of the country in which the individual is to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of that country and its people.

(2) Given the qualifications specified in paragraph (1), positions as chief of mission should normally be accorded to career members of the Service, though circumstances will warrant appointments from time to time of qualified individuals who are not career members of the Service.

(3) Contributions to political campaigns should not be a factor in the appointment of an individual as a chief of mission.

(4) The President shall provide the Committee on Foreign Relations of the Senate, with each nomination for an appointment as a chief of mission, a report on the demonstrated competence of that nominee to perform the duties of the position in which he or she is to serve.

(b)(1) In order to assist the President in selecting qualified candidates for appointment or assignment as chiefs of mission, the Secretary of State shall from time to time furnish the President with the names of career members of the Service who are qualified to serve as chiefs of mission, together with pertinent information about such members.

(2) Each individual nominated by the President to be a chief of mission, ambassador at large, or minister shall, at the time of nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such individual and by members of his or her immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination. The report shall be verified by the oath of the nominee, taken before any individual authorized to administer oaths. The chairman of the Committee on Foreign Relations of the Senate shall have each such report printed in the Congressional Record. As used in this paragraph, the term "contribution" has the same meaning given such term by section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), and the term "immediate family" means the spouse of the nominee, and any child, parent, grandparent, brother, or sister of the nominee and the spouses of any of them.

During his 2008 election campaign, President Obama recognized the appropriateness of these guidelines, and promised to respect them. The time for the Senate to begin enforcing its own guidelines set forth in law for U.S. diplomatic chiefs of mission is now. The nation cannot afford otherwise.

Sincerely,

Fifteen former presidents of the American Foreign Service Association—Marshall Adair, Thomas Boyatt, Kenneth Bleakley, Theodore Eliot, Franklin A. Harris, William Harrop, Dennis Hays, J. Anthony Holmes, Lars Hyde, Susan Johnson, Alphonse La Porta, John Limbert, John Naland, Lannon Walker, Theodore Wilkinson.

Mr. MCCAIN. They say:

As former presidents of the American Foreign Service Association, the professional association and trade union career members of the Foreign Service, we urge you to oppose granting Senate consent to these three candidates . . .

They mention George Tsunis to Norway, Colleen Bell to Hungary, and Noah Mamet to Argentina. I think we should pay attention to these former distinguished members of the diplomatic corps.

I urge my colleagues for once to vote against a totally unsuitable nominee to be Ambassador to a very critical country in a struggle that is going to go on for a long time, as Colonel Vladimir Putin tries to extend the reach of Russia and restore the old Russian Empire. We will be sending a message by this appointment that it really isn't that important. I urge my colleagues to cast a "no" vote.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

The question is, will the Senate advise and consent to the nomination of Noah Bryson Mamet, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic?

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 293 Ex.]

YEAS—50

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

NAYS—43

Alexander	Flake	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heinrich	Risch
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Collins	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	King	Vitter
Cruz	Kirk	Wicker
Enzi	Lee	
Fischer	McCain	

NOT VOTING—7

Brown	Landrieu	Rockefeller
Coburn	Murkowski	
Cochran	Roberts	

The nomination was confirmed.

BELL NOMINATION

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to the vote on the Bell nomination.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. We are about to vote on a totally unqualified individual to be Ambassador to a nation which is very important to our national security interests. Her qualifications are as the producer of the television soap opera "The Bold and the Beautiful." She contributed \$800,000 to Obama in the last election and bundled more than \$2.1 million for President Obama's reelection effort.

I am not against political appointees. I understand how the game is played, but here we are, a nation that is on the verge of ceding its sovereignty to a neofascist dictator—getting in bed with Vladimir Putin—and we are going to send the producer of "The Bold and the Beautiful" as our Ambassador.

I urge my colleagues to put a stop to this foolishness. I urge a "no" vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, one would think this is the first time any President ever nominated someone who is a political appointee. That is ridiculous. Just because somebody is a producer of a very popular show doesn't disqualify them. It is ridiculous. I could point out people who had the support of the Senator from Arizona who perhaps didn't work at all.

So let's be clear. This nominee is an intelligent woman. She knows how to be successful. She will do a good job. I think she will do very well in this position because I know her well. She knows how to make friends. She is not angry.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Colleen Bradley Bell to be Ambassador extraordinary and plenipotentiary of the United States of America to Hungary?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 294 Ex.]

#### YEAS—52

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

#### NAYS—42

Alexander	Fischer	McCain
Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	King	Toomey
Cruz	Kirk	Vitter
Enzi	Lee	Wicker

#### NOT VOTING—6

Coburn	Landrieu	Roberts
Cochran	Murkowski	Rockefeller

The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the cloture vote on the Coloretti nomination.

Who yields time?

Mrs. MCCASKILL. I yield back all time.

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

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the ending cloture motion, which the clerk will state.

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 the nomination of Nani A. Coloretti, of California, to be Deputy Secretary of Department of Housing and Urban Development.

Harry Reid, Tim Johnson, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy.

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 the nomination of Nani A. Coloretti, of California, to be Deputy Secretary of Department of Housing and Urban Development, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 59, nays 34, as follows:

[Rollcall Vote No. 295 Ex.]

#### YEAS—59

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

#### NAYS—34

Alexander	Grassley	Paul
Barrasso	Heller	Portman
Blunt	Hoeven	Risch
Boozman	Inhofe	Rubio
Burr	Isakson	Scott
Chambliss	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	
Fischer	Moran	

#### NOT VOTING—7

Coburn	Landrieu	Rockefeller
Cochran	Murkowski	
Graham	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 34.

The motion is agreed to.

#### NANI A. COLORETTI TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Nani A. Coloretti, of California, to be Deputy Secretary of Department of Housing and Urban Development.

The PRESIDING OFFICER. With respect to the nominations confirmed under the previous order, the motions to reconsider have been made and laid upon the table, and the President will be immediately notified of the Senate's actions.

#### CLOTURE MOTION

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the cloture vote on the Adler nomination.

Who yields time?

Mr. DURBIN. I yield back all time.

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

The PRESIDING OFFICER. 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:

#### 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 Robert S. Adler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission.

Harry Reid, John D. Rockefeller IV, Robert Menendez, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Christopher Murphy, Brian Schatz, Richard J. Durbin, Richard Blumenthal, Tom Harkin, Angus S. King, Jr., Tom Udall, Mazie Hirono, Patrick J. Leahy, Sheldon Whitehouse.

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 the nomination of Robert S. Adler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission, 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 Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

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

The yeas and nays resulted—yeas 52, nays 40, as follows:

[Rollcall Vote No. 296 Ex.]

#### YEAS—52

Baldwin	Franken	Menendez
Begich	Gillibrand	Merkley
Bennet	Hagan	Mikulski
Blumenthal	Harkin	Murphy
Booker	Heinrich	Murray
Boxer	Heitkamp	Nelson
Brown	Hirono	Pryor
Cantwell	Johnson (SD)	Reed
Cardin	Kaine	Reid
Carper	King	Sanders
Casey	Klobuchar	Schatz
Coons	Leahy	Schumer
Donnelly	Manchin	Shaheen
Durbin	Markey	Stabenow
Feinstein	McCaskill	Tester

Udall (CO)	Warner	Wyden
Udall (NM)	Warren	
Walsh	Whitehouse	

## NAYS—40

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Rubio
Burr	Hoehen	Scott
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Collins	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker
Cruz	McCain	
Enzi	McConnell	

## NOT VOTING—8

Coburn	Landrieu	Roberts
Cochran	Levin	Rockefeller
Graham	Murkowski	

The PRESIDING OFFICER (Ms. HEITKAMP). On this vote, the yeas are 52, the nays are 40.

The motion is agreed to.

# NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Robert S. Adler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided in its usual form.

The Senator from South Dakota.

Mr. THUNE. Madam President, are we in morning business?

The PRESIDING OFFICER. We are postcloture on the Adler nomination.

## OBAMACARE

Mr. THUNE. Very good.

Madam President, I wish to speak today about some of what is happening here with the agenda and where we might be headed. I think it is important to point out that the Democrats here, after this election, seem to be in disarray. We have fractures emerging on the left and the right.

Senate Democrats and the President are blaming each other for the Democrats' devastating election loss. The President is threatening a veto on a bipartisan tax extenders package that was negotiated by the House Ways and Means Committee chairman and the Senate Democratic leader.

The senior Senator from New York told an audience last week that passing ObamaCare was a mistake. To quote the Senator:

But unfortunately, Democrats blew the opportunity the American people gave them.

We took their mandate and put all of our focus on the wrong problem—health-care reform.

... it wasn't the change we were hired to make.

I could not agree more, but it is quite an admission from the third-ranking Democrat in the Senate.

Back in 2009, Republicans tried to tell Democrats we should focus on the

economy and that any health care reform should be targeted at helping those struggling to afford health care rather than upsetting our entire system, but Democrats refused to listen. Now it appears at least some of them are wishing they had.

The President tried to sell the health care law as a benefit for the middle class. At a 2010 tele-town hall, he told his listeners that "once this reform is fully in effect, middle-class families are going to pay less for their health care."

Unfortunately, as far too many Americans have found, the President's health care law has actually forced them to pay more. I have lost count of the number of letters I have gotten from constituents in South Dakota telling me how much their health insurance has gone up since the so-called Affordable Care Act passed.

One constituent emailed me in November to tell me:

Please do something about the Affordable Care Act. Health insurance is no longer affordable. In March our family health insurance policy went up \$150.00/month. Now [we've] received notice [of] another \$112.00 increase effective January 1, 2015, for a total monthly premium of \$857.00. This is more than our mortgage and we cannot afford it!!

Let me just repeat part of that last line. "This is more than our mortgage." How are middle-class families supposed to afford what amounts to a second mortgage payment each month? The answer of course is they can't.

The President can talk all he wants about the supposed benefits of his health care law, but the fact is ObamaCare has made life worse for this South Dakota family and it has made things worse for millions of families across the United States.

Since ObamaCare was signed into law, family health insurance premiums have risen by about \$3,000. That is a strain on any family budget just by itself, but it is even worse when we realize that the average family's income has dropped by nearly \$3,000 over the course of the Obama Presidency.

On top of this, ObamaCare has forced millions of Americans off health insurance plans they had and they liked. Frequently, they have been forced to pay more for their new plans while getting less.

Thanks to ObamaCare, Americans have lost access to doctors they liked and trusted, they have lost access to convenient hospitals and they have lost access to medications and that is just the damage ObamaCare is doing to Americans' health care. That is not to mention the damage it is doing to the economy at large.

As the Senator from New York made clear in his comments, he thinks the Democratic Party erred in passing ObamaCare because what Americans wanted was not health care legislation but jobs legislation, and he is right. But Democrats went ahead with ObamaCare anyway, and not only has it not helped the economy, as the

President said it would, it is actually hurting the economy.

Take one small part of ObamaCare, the tax on lifesaving medical devices such as pacemakers and insulin pumps. This tax has already been responsible for putting thousands of Americans out of work, and it is on track to eliminate thousands more jobs if it isn't repealed.

Then there is the ObamaCare 30-hour workweek rule, which is eliminating hours and reducing wages for thousands of American workers, and the numerous ObamaCare regulations that are making it difficult for small businesses to hire new workers.

As Democrats are now realizing, ObamaCare was a big mistake. What Democrats should have done, as the senior Senator from New York admits, was focus on creating jobs and opportunities for middle-class families.

The recent Gallup poll listing the overall health of the economy as Americans' top economic concern was just the latest poll in which Americans have listed jobs and the economy among their main worries. Yet Democrats have spent years ignoring the need for jobs and focusing on their own political priorities.

As the senior Senator from New York said:

When Democrats focused on health care, the average middle class person thought, "the Democrats aren't paying enough attention to me."

That average middle-class person is right.

In a few short weeks Republicans will take over the Senate, and we will be running things very differently.

Our first priority will be passing legislation to create jobs and opportunities for American workers. A significant part of that will be working to undo the damage ObamaCare has done to the economy. We will work to repeal the medical device tax and restore the 40-hour workweek. I hope Democrats will join us. I have a feeling many of them will.

As we have seen, opposition to these damaging ObamaCare provisions is not limited to Republicans. Democrats have joined us before to attempt to address these issues, and I look forward to working with these same Democrats and others in the new Congress.

As for the President, I hope he will finally admit his law is hurting Americans and join us in undoing the damage. Unfortunately, his actions so far have not demonstrated much openness to cooperation or any sign that he understands the American people are calling for a new era in Washington.

Democrats have spent the past several years focusing on the priorities of the far leftwing of their party instead of the American people's priorities—the economy and jobs. That is what the American people have been saying over and over they want their elected leaders to be focused on.

I hope the new Congress will mark the start of a new era in which Democrats join Republicans to help create

jobs and opportunities for Americans and remove obstacles to success. The American people have waited a long time for relief. It is time for Congress to give it to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### ECONOMIC AGENDA FOR AMERICA

Mr. SANDERS. Madam President, it seems to me the American people at this particular moment in our history must make a very fundamental decision, and that decision is do we continue the status quo—which includes a 40-year decline of our middle class and a huge and growing gap between the very rich and everyone else—or do we fight for a bold and meaningful economic agenda that creates jobs, raises wages, protects our environment, and provides health care for every American?

The question of our time is whether we are prepared to take on the enormous economic and political power of the billionaire class or do we continue to slide into economic and political oligarchy?

That is the question which the American people must answer. I hope and expect they are prepared to answer with a resounding yes and a desire to move this country in a very different direction.

The long-term deterioration of the middle class, accelerated by the Wall Street crash of 2008, has not been a pretty picture. Today we have more wealth and income inequality than any other major country on Earth, with the top 1 percent owning more wealth than the bottom 90 percent, with one family, the Walton family of Walmart, owning more wealth itself than the bottom 40 percent.

Today in the United States we have the highest rate of childhood poverty of any major country on Earth, and we are the only major country on this planet that does not guarantee health care to all people as a right.

The United States once led the world in terms of the percentage of our people who graduated college, and that in a global economy is an enormously important issue. We can't create jobs unless we have a well-educated workforce. We were once in first place in terms of percentage of our people who graduated college. Today we are in 12th place.

I think, as most Americans understand, we once were the envy of the world in terms of the quality of our infrastructure—our roads, bridges, waste water plants, water system, rail—but today, as all Americans know, our physical infrastructure is literally collapsing before our eyes.

Real unemployment today is not 5.8 percent. That is official unemployment. When we include those people who have given up looking for work and those people who are working part time when they want to work full time, real unemployment is 11.5 percent, youth unemployment is 18.6 percent,

and African-American youth unemployment is over 30 percent.

Today millions of Americans are working longer hours for lower wages. When we try to understand why the American people are angry, it is important to understand that, in inflation adjusted for dollars, the median male worker—that male worker right in the middle of the economy—earned \$783 less last year than he made 41 years ago, despite all of the increases in productivity. The median woman worker made \$1,300 less last year than she earned in 2007. Since 1999, the median middle-class family has seen its income go down by almost \$5,000 after adjusting for inflation, now earning less than it did 25 years ago.

Why are the American people angry? That is why: a huge increase in productivity, all of the global economy, and yet the median family income in America is \$5,000 less than it was in 1999.

It seems clear to me that the American people must demand that Congress and the White House start protecting the interests of working families and not just wealthy campaign contributors. We need Federal legislation to put millions of our unemployed workers back to work, to raise wages, and make certain that all Americans have the health care and education they need for healthy and productive lives.

In other words, we must have a vision for the future, which talks about what this Nation can become in terms of jobs, in terms of income, in terms of education, and in terms of health care.

Let me very briefly describe some of the major initiatives that I intend to fight for in the new Congress. There are 12 major initiatives which, if enacted, will transform the middle class of this country.

No. 1, we need a major investment to rebuild our crumbling infrastructure—our roads, bridges, water systems, waste water plants, airports, railroads, schools, et cetera.

It has been estimated that the cost of the Bush-Cheney war in Iraq, a war we should never have gotten into in the first place, will end up costing us some \$3 trillion. If we invested \$1 trillion in rebuilding our crumbling infrastructure, we could create 13 million decent-paying jobs and make this country more efficient and more productive. We need to invest in infrastructure, not in war.

No. 2, the United States must lead the world in reversing climate change and making certain this planet is habitable for our children and grandchildren.

We must transform our energy system away from fossil fuels and into energy efficiency and sustainable energies. When we do that—make our transportation system energy efficient, make our homes more energy efficient, move to wind, solar, geothermal biomass—we can also create a significant number of good-paying jobs.

No. 3, we need to develop new economic models to increase job creation

and productivity. Instead of giving huge tax breaks to corporations which ship our jobs to China and other low-wage countries, we need to provide assistance to workers who want to purchase their own businesses by establishing worker-owned cooperatives.

Study after study shows that when workers have an ownership stake in the businesses in which they work, productivity goes up, absenteeism goes down, and employees are much more satisfied with their jobs.

No. 4, union workers who are able to collectively bargain for higher wages and benefits earn substantially more than nonunion workers.

Today, corporate opposition to union organizing makes it extremely difficult for workers to join a union. We need legislation which makes it clear that when a majority of workers sign cards in support of a union, they can form that union.

No. 5, the current Federal minimum wage of \$7.25 an hour is a starvation wage. We need to raise the minimum wage to a living wage. No one in this country who works 40 hours a week should live in poverty.

No. 6, women workers today earn 78 percent of what their male counterparts earn. We need pay equity in this country—equal pay for equal work.

No. 7, since 2001 we have lost more than 60,000 factories in this country and more than 4.9 million decent-paying manufacturing jobs. We once led the world in terms of our manufacturing capability. Yet in State after State, we have seen significant losses in manufacturing jobs. When people walk into a store, it is harder and harder for them to purchase products made in the United States of America.

The time is now for us to end our disastrous trade policies—NAFTA, CAFTA, Permanent Normal Trade Relations with China—because these policies simply enable corporate America to shut down plants in this country and move to China and other low-wage countries.

We need to end the race to the bottom and to develop trade policies which protect the interests of American workers and not just multinational corporations. American companies should start investing in this country and not simply in China and other low-wage countries.

No. 8, in today's highly competitive global economy, millions of Americans are unable to afford the higher education they need in order to get good-paying jobs. About 40 or 50 years ago we had a situation in this country where some of the great public universities of our Nation—the University of California, City University of New York, and State colleges all over America were virtually tuition free, and anybody could go to those schools regardless of the income of their families.

Today, for many, many families and young people the cost of higher education is simply unaffordable. Either

students choose not to go to college because they can't afford it or they come out of school deeply in debt—a debt fastened on their shoulders for decades.

Quality education in America—from child care to higher education—must be affordable for all. Without a high-quality and affordable educational system, we will be unable to compete globally in the international economy and our standard of living will continue to decline. We have to invest in education. The idea that we are laying off teachers is completely absurd.

No. 9, the function of banking—the banking system—is to facilitate the flow of capital into a productive and job-creating economy. That is what banking is supposed to be. People save, people put money in banks, and that money goes out into the economy so that people can buy homes and create businesses.

Financial institutions cannot be an island unto themselves, standing as huge profit centers outside of the real productive economy. In other words, banking must be a means to an end by improving society, creating jobs, providing people with decent housing, and not simply a means by which financial institutions make more and more profit.

Today, six huge Wall Street financial institutions have assets equivalent to 61 percent of our gross domestic product. There is close to \$10 trillion in 6 financial institutions. These institutions underwrite more than one-half of the mortgages in this country and more than two-thirds of the credit cards. The greed, recklessness, and illegal behavior of major Wall Street firms plunged this country into the worst financial crisis since the 1930s, and every day when we open up our newspapers, we see another major banking scandal.

The truth of the matter is that these financial institutions on Wall Street are too powerful to be reformed. They have too much money, too much wealth, too many lobbyists, and make too much in campaign contributions. Our goal must be to break them up. They have too much power and too much wealth. They must be broken up so that our financial institutions begin to serve the needs of the American people and not simply the CEOs and the stockholders of Wall Street firms.

No. 10, the United States must join the rest of the industrialized world and recognize that health care is a right of all and not a privilege. I think many Americans don't know that we are the only major country on Earth that does not guarantee health care to all people as a right. Yet, within this dysfunctional health care system, we have 40 million people who have no health insurance, more people who are underinsured, millions of people with high premiums and high deductibles, and at the end of all of that, we end up spending almost twice as much per capita on health care as do the people of any other major country on Earth.

The time is now for us to declare that health care is a right of all people

and not a privilege. We need to pass a Medicare-for-all, single-payer system.

No. 11, millions of senior citizens in this country live in poverty, and we have the highest rate of childhood poverty of any major country on Earth.

I hear a lot of discussion on the part of my Republican colleagues—and some Democrats—that we should be cutting Social Security. Well, I strongly disagree. In my view, we must strengthen and expand Social Security—not cut it. That is terribly important, especially at a time when more and more seniors are slipping into poverty. We have millions of seniors who are trying to survive on \$12,000, \$13,000 and \$14,000 a year. They have to decide every single day whether they should buy the medicine they need, heat their homes adequately or buy the food they need. We should not be cutting these programs; we should be expanding these programs.

No. 12—and the last point I will make as part of an agenda that rebuilds America and rebuilds our middle class—at a time of massive wealth and income inequality, we need a progressive tax system in this country which is based on ability to pay. It is not acceptable that every single year we have major, profitable corporations which pay nothing in Federal income taxes. It is not acceptable that we have corporate CEOs in this country who make millions of dollars every year and enjoy an effective tax rate which is lower than that of their secretaries. That is grotesquely unfair, and it must be changed.

Further, we have to address the disgrace that every single year our country loses over \$100 billion in revenue because corporations and the wealthy stash their money in offshore tax havens all over the world. The time is long overdue for real tax reform which says to the wealthy and large, profitable corporations that they have to begin paying their fair share of taxes.

I will conclude by getting back to the point I made in the beginning of my remarks, and that is that we are in a pivotal moment in American history. The very, very rich are becoming richer, the middle class is disappearing, and today we have more people living in poverty than at almost any other time in American history. With the wealth of the billionaire class, they are exercising their power politically because Citizens United—a disastrous Supreme Court decision—has given them the power to buy elections and control, to a significant degree, our political process.

We, as a nation, have to ultimately make a decision about whether we are going to continue the process where the middle class continues to decline and the very, very richest people become richer or whether we are prepared—and this is not easy stuff—to stand together to take on the billionaire class and their greed and to say: Enough is enough. This country does not just belong to the top 1 percent or

the top one-tenth of 1 percent. It belongs to all of us.

I hope very much that the American people make the right choice, because if they do, we can bring about a transformation of this country so the government begins to work for all of the people and not just the billionaires who are on top.

With that, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION—Continued

The PRESIDING OFFICER. The Senator from Vermont.

### IMMIGRATION

Mr. LEAHY. Madam President, I will take just about a minute. I know we are waiting for others to come. I have heard some of the discussion on the floor and in the hallways about Thanksgiving. On Thursday, when I sat down with my family over Thanksgiving dinner, I thought about our history and how my grandparents came to Vermont from Italy, my great-grandparents from Ireland, and my wife's family from the Province of Quebec in Canada. We, similar to most Americans, are a family of immigrants. It is that rich melting-pot history that makes our country so special, so strong. Thanksgiving is a good time to celebrate and honor that strength.

Far too many immigrant families today, however, live in fear—fear of being torn apart, of losing a mother or father or sister or brother, to deportation. Bringing peace to those families is one of the things that most motivated me last year during the long debate on immigration reform. Both Democrats and Republicans in this Chamber praised the fair and thorough process that we had in the Judiciary Committee on the immigration bill.

We had 6 hearings featuring 42 witnesses. We debated bipartisan legislation a total of 37 hours over a 3-week period. We considered 212 amendments, and we adopted 136 of them—all but 3 on a bipartisan basis. The full Senate then debated the bill and approved it by an overwhelming bipartisan majority.

But that effort was not good enough for Republican leaders in the House. They would not even allow a vote on the bill. Today, they are batting zero when it comes to addressing the broken immigration system.

They now complain that the President is acting alone, but he is not. The American people support immigration



reform. That is why President Obama acted. His actions are legal, but they are only a temporary fix. Congress must still act. The Republican House leadership has chosen to hold hearings attacking the President's actions, rather than simply stepping up and allowing a vote on a bill to solve the problem. Time is running out and they are wasting it on political antics. I hope that they use the remainder of this month to take up and vote on the comprehensive bill we sent them more than a year and a half ago.

I applaud the President's action to keep families together. That is why next week, the Senate Judiciary Committee will again turn to the issue of family unity. I have asked Astrid Silva, whose remarkable story President Obama began to tell last week, to come and share the rest of her story and what the President's actions will mean to her family. The fact is we have done the work for an immigration bill. Why won't the Republicans at least vote—vote yes or vote no. We did, and I applaud those Republicans and Democrats in the Senate who stood and voted. Let the House act.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

#### COLORETTI NOMINATION

Mr. JOHNSON of South Dakota. Madam President, I rise to urge my colleagues to vote in favor of the nomination of Ms. Nani Coloretti to be Deputy Secretary of the U.S. Department of Housing and Urban Development.

The HUD Deputy Secretary is a critical component of the agency's management team, overseeing HUD's programs that provide affordable rental housing, community and economic development opportunities, and an opportunity for creditworthy families to achieve the dream of home ownership. I believe Ms. Coloretti has the skills and experience necessary to take on this role. The full Senate Banking, Housing, and Urban Affairs Committee also approved Ms. Coloretti's nomination for the position on April 29, 2014, by voice vote.

Ms. Coloretti is currently the Assistant Secretary for Management at the U.S. Department of the Treasury. During her tenure at Treasury, Ms. Coloretti helped create a new Treasury Operations Excellence Team, which has applied lean principles developed in the private sector to improve performance at Treasury. This work encompassed dozens of process improvement outcomes, saving the Department money and staff time while engendering a culture of continual improvement.

Prior to joining the Treasury Department, Ms. Coloretti held positions in the San Francisco mayor's office, including budget director; the San Francisco Department of Children, Youth, and Their Families; the U.S. Office of Management and Budget; and the private sector. She is also a recipient of the National Public Service Award, the Public Policy and International Affairs

Achievement Award, and the Federal 100 Award.

In all, Ms. Coloretti would bring over 20 years of experience in budget and program analysis, as well as more than 15 years of management experience, to the position of Deputy Secretary of the Department of HUD.

At a time when millions of American families struggle to find affordable rental housing, the market continues to lock many creditworthy potential borrowers out of homeownership, and HUD's State and local partners work to provide greater opportunities with limited resources, it is critical that HUD and the programs it oversees are run efficiently and effectively. As HUD's Deputy Secretary, Ms. Coloretti would be a valuable addition to Secretary Castro's management team. I urge my fellow Senators to support her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

#### CHESAPEAKE BAY ACCOUNTABILITY AND RECOVERY ACT OF 2013

#### FEDERAL DUCK STAMP ACT OF 2014

Mr. WARNER. Madam President, in a moment I am going to be asking a unanimous consent request on some legislation that combines some work I have been doing and work the ranking member of the EPW Committee, my friend, the Senator from Alaska, has been doing. I want to make a brief statement first and then I am going to turn the floor over to the Senator from Louisiana.

I start by thanking Chairman BOXER and Ranking Member VITTER for working with me on this important legislation. I also thank the bipartisan Virginia delegation on both sides of the Capitol, especially my friend Congressman ROB WITTMAN. He and I have worked on this initiative now for more than 4 years.

As we all know, the Chesapeake Bay, while located around Virginia and Maryland and Delaware, is actually a national treasure. It is the centerpiece of the culture and economy of many coastal communities in Virginia and in several neighboring States.

Restoring the health of the Chesapeake Bay must be a national priority. Virginia and five other States, the District of Columbia, 10 Federal agencies, and more than 1,000 local governments have spent decades on this shared priority.

We have joined together over the years in a shared commitment to the Bay. We have worked across jurisdictional lines, across the political aisle, across every level of government in partnership with the private sector and with nonprofit groups such as the Chesapeake Bay Foundation.

This important bipartisan legislation that we are going to be moving on

shortly ensures that we maintain a Federal commitment to the partnership to restore the Chesapeake Bay. It also makes sure that during these challenging fiscal times every dollar spent on improving the health of the Bay produces real results.

The Chesapeake Bay accountability bill requires the U.S. Office of Management and Budget to prepare a crosscut budget. That means we will actually track where and how Federal and State restoration dollars are being spent throughout the entire Chesapeake Bay Watershed.

This will allow us to track costs and match them to results. It means more accountability and it means more transparency to our combined efforts to restore this national treasure.

This bipartisan legislation is an important step forward in ensuring that the Chesapeake Bay restoration and preservation efforts remain effective, accountable, responsible, and transparent. In a moment I am going to urge all my colleagues to join us in approving it.

At this moment, I yield the floor to the ranking member, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I am truly honored to join my colleagues on the floor, Senators WARNER and BEGICH. I am pleased to support Senator WARNER's bill that he just described and also a second bill Senator BEGICH and I have been working very diligently on that will be part of the unanimous consent request. That is H.R. 5069, the Federal Duck Stamp Act of 2014. This bipartisan legislation is a real victory for sportsmen and for conservation. It is a straightforward bill that updates the fee paid by duck hunters for a duck stamp for the first time since 1991, and that is a big win for the hunters, it is a big win for conservation because the cost of the duck stamp goes directly toward conservation of waterfowl habitat. In fact, 98 cents on every \$1 generated goes directly to purchase or lease wetland habitat for ducks, and where you have more habitat, you have more ducks and you have a healthier environment. It is as simple as that.

I am very pleased to say our work on this bill is exactly how this place and American democracy is supposed to work. I first heard about this real need from duck hunters, from sportsmen who live this and breathe this every day. I am an occasional hunter, but these folks absolutely live it and breathe it every day and understand the critical need.

I immediately got very involved. I reached out to allies such as Senator BEGICH, who had a great interest in it. I met with the House sponsor, Representative JOHN FLEMING, also from Louisiana. We met with the House Natural Resources chairman, DOC HASTINGS. We got a strong version of the



bill that passed through the House recently and that now comes to the Senate. Today, by this consent, we will pass that House bill through the Senate and send it to the President.

As I said, that is the way the process is supposed to work, and this is a real win for hunters, for conservation, for the environment.

I thank my colleague and partner on this, Senator BEGICH, and yield the floor to him.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Madam President, I thank my colleague, Senator VITTER, for this incredible work. For several years we have been focused on this piece of legislation for two reasons; one, not only is it important for the hunters, the duck hunters, but a provision in there is also important for subsistence users in my State of Alaska.

This is an important bill. As has been mentioned, 98 cents of every \$1 that goes into a duck stamp goes back into habitat protection for hunters currently and into the future.

Along with that, since 1934, almost \$1 billion—three-quarters of a billion dollars—has been spent in protecting wetland habitat, again for the purpose of ensuring that we have this habitat protected not only for hunters but in my case for subsistence users.

I agree with Senator VITTER, this is the kind of legislation we want to see done, where Democrats and Republicans, the House and the Senate, are working together. My colleague, Congressman YOUNG, a Republican on the House side from Alaska, worked on his side of the equation, working with other House Members, to figure out how to move a bill. We had a Senate version over here we were working on. At the end of the day, it is not about whose name is on the bill; it is about getting the job done.

Here we have a piece of legislation that will finally correct the pricing on duck stamps to ensure that we keep up with inflation, to ensure that the continued preservation of wetlands is done for our hunters and our sportsmen. But on top of that, for my State of Alaska, this recognizes the needs of subsistence hunters. Millions of acres in Alaska are set aside as refuge and others are in protected status. Our subsistence users live off the land—not for extra gain for their household, but literally for food for the winter in order to survive. So this allows a waiver to be put into place that will have minimal impact on the duck stamp program, but will ensure that subsistence users—people who live off the land in Alaska—can continue to do that without the threat of a Federal agency fining them or even dealing with them in some way because they didn't have the stamp. This allows them to go for a waiver and ensure they will be able to do their subsistence hunting they have been doing for generations before the government came along and locked up their land they have been hunting. And

we will make sure this happens not only now but into the future.

Again, I wish to thank Senator VITTER for his work and his efforts not only in this body but on the other side of the Capitol, working with House Members to make sure we could all work together and do this by unanimous consent. Along with them, Senator BOXER and the EPW staff did an incredible job. It is an honor to be here today.

The last thing I will say to Senator WARNER is this: My son just had an opportunity to go to the bay. He did an incredible field study there with some of his staff. It was a great experience. He was able to go into the mud. I am not sure what that is exactly, but he was able to go chest deep, and then he decided not to do that, but to be there to help people. But it was an incredible experience, to experience that bay, which is a national treasure. So having that bill at the same time as this other one is not only good for Senator WARNER's community but good for this whole country. And for folks from my State who come to visit this community, it is another opportunity for them to see a national treasure. So it is an honor to have two pieces of legislation that will pass by unanimous consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank the Senator from Alaska for his comments and I will be happy to take the Senator and his whole family out to the bay again. I thank the Senator from Louisiana and the Senator from Alaska for working together. That is the way this is supposed to work. There are duck hunters in Virginia as well and they firmly support this legislation. I appreciate also the special considerations that need to be addressed in terms of the State of Alaska.

I ask unanimous consent that the EPW Committee be discharged from further consideration of S. 1000, and the Senate proceed to its immediate consideration and the consideration of H.R. 5069, which is at the desk, en bloc.

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

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. WARNER. I further ask unanimous consent that the Warner substitute amendment to S. 1000, which is at the desk, be agreed to; the bills, as amended, if amended, be read a third time and passed en bloc; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 3965) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Accountability and Recovery Act of 2014".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHESAPEAKE BAY STATE.—The term "Chesapeake Bay State" or "State" means any of—

(A) the States of Maryland, West Virginia, Delaware, and New York;

(B) the Commonwealths of Virginia and Pennsylvania; and

(C) the District of Columbia.

(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" means all tributaries, backwaters, and side channels, including watersheds, draining into the Chesapeake Bay.

(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term "Chesapeake Executive Council" has the meaning given the term by section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a)).

(5) CHIEF EXECUTIVE.—The term "chief executive" means, in the case of a State or Commonwealth, the Governor of the State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(7) FEDERAL RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "Federal restoration activity" means a Federal program or project carried out under Federal authority in existence as of the date of enactment of this Act with the express intent to directly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that provide financial and technical assistance to promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed.

(B) CATEGORIZATION.—Federal restoration activities may be categorized as follows:

(i) Physical restoration.

(ii) Planning.

(iii) Feasibility studies.

(iv) Scientific research.

(v) Monitoring.

(vi) Education.

(vii) Infrastructure development.

(8) STATE RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "State restoration activity" means any State program or project carried out under State authority that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed.

(B) CATEGORIZATION.—State restoration activities may be categorized as follows:

(i) Physical restoration.

(ii) Planning.

(iii) Feasibility studies.

(iv) Scientific research.

(v) Monitoring.

(vi) Education.

(vii) Infrastructure development.

#### SEC. 3. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) IN GENERAL.—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays, as applicable—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year;

(D) all expenditures, to the extent that information is available, for State restoration activities during the equivalent time period described in subparagraph (C); and

(E) a section that identifies and evaluates, based on need and appropriateness, specific opportunities to consolidate similar programs and activities within the budget and recommendations to Congress for legislative action to streamline, consolidate, or eliminate similar programs and activities within the budget;

(2) a detailed accounting of all funds received and obligated by each Federal agency for restoration activities during the current and preceding fiscal years, including the identification of funds that were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including—

(A) the project description;

(B) the current status of the project;

(C) the Federal or State statutory or regulatory authority, program, or responsible agency;

(D) the authorization level for appropriations;

(E) the project timeline, including benchmarks;

(F) references to project documents;

(G) descriptions of risks and uncertainties of project implementation;

(H) a list of coordinating entities;

(I) a description of the funding history for the project;

(J) cost sharing; and

(K) alignment with the existing Chesapeake Bay Agreement, Chesapeake Executive Council goals and priorities, and Annual Action Plan required by section 205 of Executive Order 13508 (33 U.S.C. 1267 note; relating to Chesapeake Bay protection and restoration).

(b) **MINIMUM FUNDING LEVELS.**—In describing restoration activities in the report required under subsection (a), the Director shall only include—

(1) for the first 3 years that the report is required, descriptions of—

(A) Federal restoration activities that have funding amounts greater than or equal to \$300,000; and

(B) State restoration activities that have funding amounts greater than or equal to \$300,000; and

(2) for every year thereafter, descriptions of—

(A) Federal restoration activities that have funding amounts greater than or equal to \$100,000; and

(B) State restoration activities that have funding amounts greater than or equal to \$100,000.

(c) **DEADLINE.**—The Director shall submit to Congress the report required by subsection (a) not later than September 30 of each year.

(d) **REPORT.**—Copies of the report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) **EFFECTIVE DATE.**—This section shall apply beginning with the first fiscal year after the date of enactment of this Act.

#### **SEC. 4. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.**

(a) **IN GENERAL.**—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on—

(1) restoration activities; and

(2) any related topics that are suggested by the Chesapeake Executive Council.

(b) **APPOINTMENT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of submission of nominees by the Chesapeake Executive Council, the Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council with the consultation of the scientific community.

(2) **NOMINATIONS.**—The Chesapeake Executive Council may nominate for consideration as Independent Evaluator a science-based institution of higher education.

(3) **REQUIREMENTS.**—The Administrator shall only select as Independent Evaluator a nominee that the Administrator determines demonstrates excellence in marine science, policy evaluation, or other studies relating to complex environmental restoration activities.

(c) **REPORTS.**—Not later than 180 days after the date of appointment and once every 2 years thereafter, the Independent Evaluator shall submit to Congress a report describing the findings and recommendations of reviews conducted under subsection (a).

#### **SEC. 5. PROHIBITION ON NEW FUNDING.**

No additional funds are authorized to be appropriated to carry out this Act.

The bill (S. 1000), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill (H.R. 5069) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. VITTER. Did that unanimous consent agreement cover both bills?

The PRESIDING OFFICER. The Senator is correct.

Mr. VITTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### **NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION—Continued**

Mr. WARNER. Madam President, I ask unanimous consent that the time in any quorum calls be charged equally to both sides.

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

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### **TAX EXTENDERS**

Mr. HATCH. Madam President, I wish to spend a few minutes today to discuss the ongoing saga of the 2014 tax extenders package.

Getting this legislation passed through the Senate has been quite an ordeal from the outset. As my colleagues will recall, the Finance Committee reported its tax extenders package in April and a few weeks later progress stalled on the Senate floor when the Senate majority leadership refused to allow votes on any amendments.

After that time—which was in mid-May—the tax extenders sat somewhat in limbo, although both sides acknowledged the desire to get something passed during the lameduck session, if not before.

The Finance Committee extenders package, if my colleagues remember, extended 55 expired or expiring tax provisions for 2 years without making any of them permanent.

The House took a different approach which was to make certain important tax provisions, such as the R&D tax credit, for example, permanent, bringing more certainty to American businesses, families, and individuals.

Over the past several weeks, negotiations have been ongoing in the hopes of producing a bill that combined the Senate Finance Committee's package with the approach taken by the House.

I am generally hesitant to publicly comment about what happens behind closed doors in negotiations; but, on the other hand, much of what happened next has already been printed in the media. That being the case, I don't feel too awkward discussing the recent turn of events that has brought us to where we are now with the tax extenders.

Last week, before the Thanksgiving holiday, the Speaker's office and the Senate majority leader's office were very close to reaching a deal on a tax extenders package—one that would have included all of the provisions from the EXPIRE Act, which is the Senate Finance Committee-reported tax extenders bill, as well as a number of permanent tax extender provisions.

This emerging deal would have been a reasonable compromise between Republicans and Democrats and between the House and Senate approaches to this matter. It was not the legislation I would have written, but as a compromise taking place in a Congress that is, for the time being, still divided, it was likely the best both parties could hope for.

As I said, we were on the cusp of a deal last week, and then something strange happened. On Tuesday, the White House caught wind of the potential deal—even though the terms had not yet been finalized—and issued a veto threat. How often does that happen? How often does the President issue a veto threat on potential deals still under negotiation? How often do we find that extraordinary threat ratified by people who are involved in the negotiations? As I said, this was not a Republican wish list being negotiated. House Republicans were willing to make a number of tough concessions in order to get a deal across the finish line.

For example, the deal would have made permanent the American opportunity tax credit—a provision that first came into law in the Democrats' partisan 2009 stimulus bill and has been a high priority item for Democrats. It would have also made the State and local sales tax deduction—which is a high priority for a number of congressional Democrats—permanent. And it would have rolled over the tax extenders that expired during 2013—including many that most Republicans do not support—for another 2 years.

These were major concessions and, to its credit, the House was willing to make them in the interests of a bipartisan agreement.

More importantly, the deal was supported by the Senate majority leader who, the last time I checked, was a Democrat. Yet the deal wasn't good enough for the President and for the more liberal Members of the Senate, or should I say the Senate Democratic Caucus. Apparently they weren't willing to take yes for an answer. Instead of compromising even a little bit, President Obama issued his veto threat and has been rallying Democratic Senators against the proposed deal, or at least that is what I have been told. As a result, it appears unlikely that a deal on the tax extenders package will be reached in this Congress. Instead, the most likely scenario appears to be that the Congress will pass a 1-year referendum of tax extenders that have already expired.

Short of not passing anything at all, this is surely the worst of all possible worlds. Rather than the certainty that would come with making some of the more prominent individual tax extenders permanent, families, individuals, and businesses will have to once again put long-term plans on hold in hopes that Congress can get its act together the next time around.

This is bad news for middle-class families. This is bad news for individuals. This is bad news for job creators. And this is bad news for those of us hoping the government will improve the way it does business any time in the near future.

We all know the makeup of the next Congress will be different than it is now. I don't mean to be too presumptuous, but I think it is safe to say the

President and his liberal allies are unlikely to get a better tax deal in the next Congress than the one the Senate Democratic leadership had been negotiating up until the last week. I commend the Senate Democratic leadership for its work on that matter. I commend the House leadership and congratulate them for doing the same thing.

Do any of my Democratic colleagues who came out against the proposed deal really think their prospects are likely to improve next year? I have to ask because, quite frankly, this recent turn of events is mind-boggling to me.

In the end, I think the only conclusion that makes sense is that this line of attack—the President's veto threat—and liberal opposition to the potential extenders deal is more about politics than about policy. It is about the President's strategy of following an electoral rebuke of his policies by tacking even further to the left. And it is about congressional Democrats' efforts to pander to their liberal base at the expense of good government.

I hope I am wrong about this, but as I said, there is not another logical explanation that I have heard. I hope the White House and its Senate allies will prove me wrong and come to the table with an offer that reflects a genuine compromise with the House.

I think the events of this past week have demonstrated divisions in the Democratic Party, and that those divisions are causing real problems. Once again, we had the Senate majority leader in the room and ready to make a deal, only to be undercut by the President and his liberal allies in the Senate. I find that very unfortunate. I commend the Democratic majority leader for trying.

Of course, at the end of the day, I suppose none of us should be surprised at what has happened. After all, President Obama is not particularly known for being business friendly or placing his focus on job creation, which is sorely needed in this country. Whether it is crippling environmental regulations—which we are now seeing come to the forefront in dramatic terms—or whether it is labor policy or health care, the President has demonstrated that he is all too willing to put his political ideology above the needs of our economy.

Make no mistake, the proposed tax extenders deal—the one the President scuttled with his veto threat—was all about job creation. It would have made the research and development tax credit, small business expensing, and other provisions permanent, giving certainty to the business community, paving the way for more investment, and paving the way for more jobs in our society.

The President's latest gambit on the tax extenders is just a series in a long line of instances where politics has trumped job creation. Still, as one who has been willing to work with my colleagues on the other side of the aisle, I can't help but be disappointed.

But make no mistake, things are about to change around here and we

will have an opportunity to right this ship. I just hope we will have a lot of Democrats who are willing to help us. We need to focus on an agenda that will actually grow our economy. We need to focus on an agenda that will actually create jobs. And we need to focus on an agenda that will empower the American people. That is going to be the focus of this new Congress.

Once again, the President and his allies here in the Senate missed a big opportunity to address some of their party's priorities with the tax extenders legislation. It is difficult to imagine that they will have another bite at the same apple in the next Congress. Absent a deal, we are now left with only one option: a 1-year extension that will likely be passed by the House this week. Once again, a 1-year extension is not a great deal for families, individuals, and businesses, but it is far better than letting these provisions lapse entirely. Indeed, if we do nothing, we run into a series of problems, including a delayed filing season, which means millions of delayed refunds for Americans who count on them. In addition, doing nothing would essentially amount to a tax hike on millions of people and businesses.

Consequently, I plan to vote in favor of the 1-year extension, unless, of course, my colleagues on the other side finally come to their senses and allow a better deal to be had.

I don't understand this kind of leadership in this country. I don't understand why the President does some of these things. I don't understand why the left just can't take an offering to them that was much better than what we are going to get. The majority leader knew it.

Republicans have been tough on the majority leader. I have been here for years. I care for him. I think it is a tough group of people to manage, just as they are on our side as well. It is a tough job. Frankly, I think the deal he worked out should have been followed. It would have given the President much of what he wanted initially, anyway. It would have brought us together one more time, and it would have been a wonderful thing.

It would have made the end of the year—the work we are doing—much more satisfying and acceptable. It would have been a good prelude to next year of our working together—something that this body needs really badly.

I want to commend the distinguished majority leader, Senator REID, for the work he tried to do. I want to congratulate him. I want to congratulate the Speaker of the House for being willing to work on this.

I think it is unfortunate we are at this point in these negotiations, where we are going to have a 1-year extension. It is not going to be anywhere near where we had negotiated with the majority leader and had negotiated with the House. There are parts of the negotiated bill that I wish I could have changed. But, we had come a long way.

I want to pay tribute to the distinguished chairman of our committee. I don't think he had much confidence at first that we would put our original extenders bill through the committee. At least he didn't express it to me.

I said: Let's do it, and we did. Even with the parts that I wish weren't in there and the parts he wished weren't in there, it was a classic bipartisan compromise by two sides who feel very, very deeply about all these issues—each and every one of them.

I think the work that Senator REID, the distinguished majority leader, and the Speaker had done was not only a step in the right direction but it would have been something most all of us would have been quite pleased with. I commend them for their work.

I am disappointed with where we are. I hope we can solve these problems in the future. I will be working as hard as I can to bring about bipartisan efforts in that regard.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

#### EPA REGULATION

Mr. BARRASSO. Last Wednesday Americans all across the country were preparing for Thanksgiving. They were traveling. Many of them were going to visit friends and family and places around their communities, their State or the country.

What did the Obama administration do when it thought nobody was actually paying attention? It snuck out a huge new regulation that imposes job-crushing environmental restrictions.

Politico ran an article on it later that day. The headline was: "The most expensive regulation ever. Obama rolls out a major EPA rule."

Why would the President do that? Why would he put out a major rule from the Environmental Protection Agency, affecting millions of Americans, and do it right before a holiday?

If these regulations were such a good idea, we would think the administration—as the administration claims it is a good idea—would put it out in a way that people would be paying attention.

I want to know why the administration did this in a way to hide the regulations from the American people. President Obama didn't say a word about it that day. Instead, he pardoned a turkey. The turkey got a better deal than the American people did last week. They are the ones who are going to be paying for the President's expensive and destructive regulation.

Here is what is happening. The Environmental Protection Agency has proposed a new rule that would dramatically slash the limits of ground-level ozone. The rule runs 626 pages. Then we

add on the appendix—over 500 additional pages.

Here is what the Wall Street Journal had to say about the new rule. They had an editorial on it Friday with this headline: "Highway to the Danger Ozone." It says: "Like so many other such rules, this one twists decades-old air pollution laws to restructure the U.S. energy industry and gradually ban fossil-fuel-fired power."

We have fossil fuel-fired power gradually being banned as this administration tries to restructure the U.S. energy industry.

It says: "Coal is the first target." The article also adds: "But natural gas is next."

The current limit on ozone is 75 parts per billion. The Environmental Protection Agency wants to cut that number down to as little as 70, 65, even 60 parts per billion.

The Agency estimates that the new rule could cost nearly \$17 billion every year—\$17 billion a year in costs. Most of the country would fail to meet Washington's tough new standards if they were in place today. As much as 95 percent of the country would be unable to comply with the new regulations if they go down to 60 parts per billion.

States, counties, and cities would have to curb their energy production and limit manufacturing. That will mean far less economic growth and fewer people working. It will raise the cost of everyday living, and it will destroy middle-class jobs. There is no question about it.

This rule will undermine energy reliability. It will stall manufacturing investment, and it will smother economic opportunity for middle-class families.

It costs too much, and there is very little benefit. It doesn't matter to the extreme environmentalist wing of the Democratic Party who support it.

The Obama administration is once again turning a deaf ear to Americans—the people who want Washington to focus on jobs. That is what we saw in the election earlier this month. The people of this country want the administration to focus on jobs.

The administration claims its tough new rule will lead to new health benefits. What about the health damage done to people who lose their jobs because of the rule?

In March 2012 the Committee on Environment and Public Works Subcommittee on Clear Air and Nuclear Safety issued a report titled "Red Tape Making Americans Sick." It is a new report on the health impacts of high unemployment.

According to the testimony and scientific research that was reviewed by the subcommittee, unemployment caused by excessive regulation—such as the new ozone rule—increases the likelihood of hospital visits, illnesses, and premature deaths. That raises health care costs. It hurts the health of children and the well-being of families.

The Obama administration doesn't want to hear it and certainly doesn't want to talk about it.

Bipartisan majorities in Congress have rejected the President's energy policies. Senate Democrats wouldn't even bring up his cap and trade plan for a vote in this body.

What does the President do? Does he learn the lesson that the American people don't want his enormously expensive, job-crushing policies?

Does he listen to the voters in the most recent elections—people who sent a clear message they weren't happy with the direction the country is headed? No, not President Obama—he goes ahead and does it anyway.

People are concerned about jobs. They are concerned about the economy. The President is focused, though, on making it tougher for the private sector to create jobs and tougher for the economy to grow. He purposely is going around the American people and their representatives in Congress and taking this drastic step on his own. Why? Because he knows even Democrats in Congress do not support him.

So what are the Democrats who control the Senate right now going to do about it? If history is any indication, they are not going to do anything. Democrats in Congress are going to just roll over and accept another destructive policy by President Obama. That is what they did with the health care law—a terrible law. Democrats in Congress pushed it through anyway because President Obama told them to do it. NANCY PELOSI was the Speaker of the House at the time. She said: First you have to pass the bill before you get to find out what is in it. Well, now even Democrats are admitting it was a bad idea as they are learning more and more what is in this bill for which they voted. The senior Senator from New York said the other day that the health care law "wasn't the change we were hired to make." He said, with the economy in bad shape, it was a focus on "the wrong problem." That is from a Senator who voted for the health care law. Well, today the Senator is right when he says it was a focus on the wrong problem.

With this new ozone regulation, the President is still focused on the wrong problem. He should still be looking for ways to grow America's economy, not ways to tie it up with more redtape.

President Obama has made the wrong choice time and time again, adding more regulations, more rules, more bureaucracy. He continues to push extreme policies he knows the American people reject. The President is using unelected and unaccountable czars to go around Congress and the public. His latest Executive action shows his Presidency is failing and floundering.

President Obama is not even waiting to try to work with a Republican Congress or when Republicans take the majority in January. He is acting on his own right now. Well, in January Republicans in Congress will listen to

Americans and focus on the priorities of the American people. We will hold the Obama administration accountable for its destructive overreach. We will listen to people who are struggling under Obama's redtape and suffering because of it. We will do everything possible to stop this legislation and help Americans have better job opportunities in the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### IMMIGRATION

Mr. MENENDEZ. Mr. President, I come to the floor to speak about the President's Executive order on immigration. I have been listening to my colleagues, both here and on the other side of the Capitol, and I rise in amazement. It is almost incredulous that our Republican friends are against the President taking the same action Presidents Reagan and George H.W. Bush took to defer deportation to solve a critical problem that we all know exists in the country—a problem that impacts millions. When President Obama exercises the same Executive authority—the same—they are on the air, on television, on talk shows, on Twitter, fear-mongering, calling it illegal, calling it amnesty, a constitutional crisis. Where was all of that when Presidents Reagan and Bush did it?

They hold hearings in the House titled "Open Border: The Impact of Presidential Amnesty on Border Security," which is a little ridiculous because we have more border security under this administration than we have had in the history of the United States. As a matter of fact, we spend more on border enforcement and immigration enforcement than we do in all of the other Federal law enforcement entities combined—combined.

The Republicans threaten to sue the government or even shut it down. The irony of that is laughable because a shutdown over conducting background checks and collecting taxes from undocumented immigrants would only cost current taxpayers billions of dollars.

Certainly it would cost them billions of dollars if it is anything like the last shutdown that Republicans forced. So double standard? Absolutely. It is the very definition of "double standard."

On immigration reform, our Republican friends—particularly on the other side of the Capitol—have become the poster children for double standards. On the one hand, they know the political ramifications of the demographic reality. On the other, they refuse to catch up with history and fix our broken immigration system. They are sailing against the headwinds of his-

tory, and now they want to prevent the President from pulling them to shore, saving them from their own immobility, their own inaction. They are also sailing against the headwinds of what the American people want. In poll after poll we have seen that the American people want to fix our broken immigration system, and that which the Senate passed—and I was honored to be one of the Group of 8 who put it together 1½ years ago—and passed with an overwhelming bipartisan vote, still has the highest rating among the American people. It has been sitting in the House of Representatives for the last 1½ years.

A new Gallup poll shows that the President's approval rating among all voters has not gone down since the Executive action announcement was made, as some predicted it would, but, rather, it has increased 5 percentage points among all voters since early November. In my view, any action—Executive or otherwise—is movement in the right direction and it is what America expects of its leaders.

Americans are expecting someone to act, someone to tackle the difficult issues, and immigration, particularly for our House colleagues, seems to be a very difficult issue they can't tackle. It is not difficult for me, and it is not really difficult for most Americans who believe in the power of common sense, not for those who believe in the need to secure our borders, to secure the country, to promote economic opportunity, and preserve our history as a nation of immigrants and that core value of family values.

I cannot recall anyone coming to this floor and praising inaction, praising the President for not having done enough on a matter of consequence, but that is exactly what our Republican colleagues are doing, once again standing squarely on the wrong side of history—in fact, on the wrong side of their own history—invoking the double standard and claiming what is right for their party's Presidents is wrong for this President. History, however, is a funny thing. You can choose to ignore it, but eventually it catches up with you, and it has finally caught up with my Republican colleagues.

I repeat what I have said all along: The antidote to Executive action is passing immigration reform. Let's be clear. Regardless of how big or how bold the President's announcement may be, a permanent legislative solution continues to be our ultimate objective. Administrative relief will not grant anyone legal status or citizenship, but it will clear the way for many to come out of the shadows, register with the government, pass a criminal background check, get a work permit, and pay taxes as the rest of us do.

Because of the President's Executive action, the nature of who is eligible is really people who have U.S. citizen families here. It will prevent needless deportations and give a chance at a better life to those who want nothing

more than to keep their families together. We are talking about millions of hard-working people who—right now many are exploited, creating downward pressure on the salaries and wages of all Americans by virtue of that exploitation. We have an opportunity to change that. I would rather know who is here to pursue the American dream versus who is here to do us harm, but I can't know that unless I get people to come forward and go through a criminal background check.

If our Republican colleagues are so concerned about getting immigration policy right, if they are so concerned about the President overstepping his authority, which is the same authority Republican Presidents have used, they can exert their own authority and push our bipartisan bill over the finish line with one vote—one vote in the House of Representatives.

The President himself has said he acted because there is a cost to waiting—a cost measured in the thousands of parents of U.S. citizen children who are deported, husband and wives who are separated from their U.S. citizen spouses, and the economic consequences.

I know there are some who suggest: Let's wait until the next Congress. Let's wait and see. Give them a little time. If not, we will act.

This is the same Republican Party—particularly in the House of Representatives—that blocked immigration reform in 2006, 2007, 2010, 2013, and 2014 despite a strong bipartisan bill here. So if they wish, they can join us at the negotiating table with their own proposals and their own solutions because doing nothing and maintaining the status quo is no longer an option. That is precisely why they didn't want the President to follow through on what he told them. He waited on Executive action. He gave them advance notice. He said: I want you to act, but if you don't act, eventually I will have to act.

Now let's look at what my Republican friends find so objectionable. To put it simply, the administration is creating a new deferred action for parental accountability, a program that provides deferred action on a case-by-case basis to undocumented parents of U.S. citizens or lawful permanent residents—those who were present in the United States on November 20 of this year, those who have continuously lived in the United States for 5 years, since January 2010, and are not an enforcement priority—and also is expanding the program that already exists for DREAMers by expanding the age content.

This isn't amnesty because amnesty means you did something wrong and you are forgiven and get whatever you want. Amnesty means you get something for nothing. First of all, these people have no pathway to becoming a permanent resident or citizen under the President's Executive order. Secondly, their only opportunity is not to be deported, assuming they can pass a background check and pay their taxes.

As a result of the President's order, more people will go to the southern border to protect it, more people will pay taxes who may not be paying them now, more families will stay reunited, and more people who are in the shadows will come forward and go through a criminal background check. I would like to know who those people are, and I would like to make sure they don't have a criminal background. More criminals and felons will be deported because now it will be a priority to deport those individuals. What is wrong with that set of circumstances?

So this is temporary relief as the Congress hopefully comes together on a more permanent basis.

In my State of New Jersey, approximately 137,000 parents of U.S. citizens and legal permanent residents will benefit from the new action. About 67,000 will benefit from the new program on children. That is an estimated 204,000 people in New Jersey who can come out of the shadows and contribute to the community and the economy. These are moms and dads, good people, hard-working people who can register with the government, pass a background check, get a work permit, pay taxes, take care of their families, and no longer fear deportation.

The fact is, because of the President's Executive action, more felons will be deported, more resources will go to our border, more families will stay together, and more people will pay taxes. These are all good things.

The Council of Economic Advisers has found that over the next decade the range of Executive actions announced by the President will increase our gross domestic product by up to 0.9 percent, it will reduce the Federal deficit by \$25 billion through increased economic growth, and it will raise the average wages for U.S. workers by 0.3 percent.

The Executive action the President has taken and the Republicans have criticized will increase the productivity of our workforce. How? By allowing those—from undocumented immigrants to spouses of highly skilled H-1B visa holders—to be part of the formal economy and match the skills they have with the skills needed by entrepreneurial startups that they often create.

By the way, that is a fraction of the economic benefits of what we did here on a bipartisan basis that has been sitting in the House of Representatives for the last 1½ years. The Senate bill we passed, according to the Congressional Budget Office—the nonpartisan scoring division of everything we do here—will increase the gross domestic product of the United States by over 3 percent in 2023—less than 9 years—and 5.4 percent in 2033, which is an increase of roughly \$700 billion in 2023 and \$1.4 trillion in 2033. It will reduce the Federal deficit by \$197 billion over the next decade and another \$700 billion between 2024 and 2033. That is almost \$1 trillion in deficit spending which can be lifted from the backs of the next generation

of Americans by giving 11 million people a pathway to citizenship. What do we ever do that we pass that grows the economy, reduces the deficit, and creates more jobs for all Americans? Very little. The immigration bill which the Senate passed and which has been pending in the House does all of that in addition to securing our border.

So let's be clear. The President's Executive actions are only temporary steps. Only Congress can finish the job. Deferred action is an act of prosecutorial discretion, but it is not a path to citizenship or a permanent solution. The fact is that we have waited and waited. In the absence of any Republican action in the House on immigration reform, the President has used the power he has available, which other Presidents have used as well. If the Republicans are concerned about an Executive action, they should use their own power to pass immigration reform—either the Senate bill or their own vision of what comprehensive reform is.

For those who question the legality of this, I would simply say there are three letters—one before the Executive action and two after—from law professors and former general counsels of the Immigration and Naturalization Service and chief counsels of USCIS. They say the President has the authority. He is on sound legal footing.

So we are tired of waiting for Republicans to say yes to something—yes to taking action that is in the interest of millions in this country who expect leadership, expect action, expect progress, expect cooperation, not confrontation and obstruction. Millions of families are tired of waiting. The Nation is tired of waiting for Republicans to catch up with history—in this case, with the lessons of their own history.

Let's invite our Republican friends to invoke the memory of Ronald Reagan and George H.W. Bush and for once commend this President for following their lead in this, doing what is right by the Nation and doing what is right by our taxpayers, doing what is right for our security and doing what is right by our families.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the vote originally scheduled for today at 4 p.m. be delayed until 4:10 p.m., and that notwithstanding rule XXII, following the vote on cloture on Calendar No. 1069, Burrows, the Senate proceed to vote on cloture on Calendar No. 1067, Lopez; further, that if cloture is invoked on either of these nominations, that at

10:00 a.m. tomorrow morning, Wednesday, December 3, 2014, all postcloture time be considered expired and the Senate proceed to vote on confirmation of the nominations in the order upon which cloture was invoked; further, that following these votes, the Senate proceed to vote on cloture on the following nominations: Calendar Nos. 1036, Hale; 1037, Kearney; and 1038, Pappert; further, if cloture is invoked on any of these nominations, that at 3 p.m. tomorrow, all postcloture time be considered expired and the Senate proceed to vote on confirmation of the nominations in the order upon which cloture was invoked; further, that there be 2 minutes for debate prior to each vote and all rollcall votes after the first vote in the sequence be 10 minutes in length; further, with respect to the nominations in this agreement, that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF NANI A. COLORETTI TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Coloretti nomination.

Mrs. FEINSTEIN. Mr. President, I would like to express my support for the consideration of the nomination of Nani Coloretti to be the Deputy Secretary of the Department of Housing and Urban Development, HUD.

Ms. Coloretti has a distinguished history of public service; she currently is the Assistant Secretary for Management at the U.S. Department of Treasury, a position she has served in since 2012. Prior to joining the U.S. Treasury, Ms. Coloretti assisted setting up operations at the newly created Consumer Financial Protection Bureau, serving as the Acting Chief Operating Officer. Additionally, from 1999 to 2005, Ms. Coloretti served as director of policy, planning and budget for the San Francisco Department of Children, Youth, and their Families, as well as budget director to San Francisco Mayor Gavin Newsom, where she managed the implementation of San Francisco's \$6.2 billion annual budget.

Ms. Coloretti received a B.A. in economics and communications from the



University of Pennsylvania and a master's in public policy from the Goldman School of Public Policy at the University of California at Berkeley. In 2012, Ms. Coloretti was awarded the National Public Service Award by the American Society for Public Administration and the National Academy of Public Administration.

I believe that Ms. Coloretti brings a wealth of experience and knowledge to the position of Deputy Secretary, and I look forward to voting for her confirmation.

Mr. GRAHAM. Mr. President, I ask unanimous consent to yield back all time.

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

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Nani A. Coloretti, of California, to be Deputy Secretary of Department of Housing and Urban Development?

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce the Senator from Louisiana (Mrs. LANDRIEU) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

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

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

The result was announced—yeas 68, nays 28, as follows:

[Rollcall Vote No. 297 Ex.]

#### YEAS—68

Alexander	Hagan	Murray
Ayotte	Harkin	Nelson
Baldwin	Hatch	Portman
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Heller	Reid
Booker	Hirono	Rockefeller
Boxer	Hoeben	Sanders
Brown	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Shaheen
Carper	Kaine	Stabenow
Casey	King	Tester
Coats	Klobuchar	Toomey
Collins	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Manchin	Walsh
Donnelly	Markey	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden
Gillibrand	Murphy	

#### NAYS—28

Barrasso	Enzi	McCain
Blunt	Fischer	McConnell
Boozman	Graham	Moran
Burr	Grassley	Paul
Chambliss	Inhofe	Risch
Cornyn	Johnson (WI)	Roberts
Crapo	Kirk	
Cruz	Lee	

Rubio	Sessions	Thune
Scott	Shelby	Vitter

#### NOT VOTING—4

Coburn	Landrieu
Cochran	McCaskill

The nomination was confirmed.

#### NOMINATION OF ROBERT S. ADLER TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Adler nomination.

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 Robert S. Adler, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission?

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there 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 Louisiana (Ms. LANDRIEU) is necessarily absent.

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

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 298 Ex.]

#### YEAS—53

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

#### NAYS—44

Alexander	Flake	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeben	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Scott
Collins	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	King	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Wicker
Fischer	McConnell	

#### NOT VOTING—3

Coburn	Cochran	Landrieu
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The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote to invoke cloture on the Burrows nomination.

Who yields time?

Mr. BARRASSO. I yield back all time.

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

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:

#### 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 Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

Harry Reid, Tom Harkin, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy.

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 the nomination of Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission, 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 Alaska (Mr. BEGICH) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

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

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 299 Ex.]

#### YEAS—57

Alexander	Feinstein	McCaskill
Ayotte	Franken	Menendez
Baldwin	Gillibrand	Merkley
Bennet	Hagan	Mikulski
Blumenthal	Harkin	Murkowski
Booker	Heinrich	Murphy
Boxer	Heitkamp	Murray
Brown	Hirono	Nelson
Cantwell	Johnson (SD)	Pryor
Cardin	Kaine	Reed
Carper	King	Reid
Casey	Klobuchar	Rockefeller
Collins	Leahy	Sanders
Coons	Levin	Schatz
Donnelly	Manchin	Schumer
Durbin	Markey	Shaheen

Stabenow	Udall (NM)	Warren
Tester	Walsh	Whitehouse
Udall (CO)	Warner	Wyden

## NAYS—39

Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Roberts
Coats	Inhofe	Rubio
Corker	Isakson	Scott
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
Cruz	Kirk	Thune
Enzi	Lee	Toomey
Fischer	McCain	Vitter
Flake	McConnell	Wicker

## NOT VOTING—4

Begich	Cochran
Coburn	Landrieu

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39.

The motion is agreed to.

### NOMINATION OF CHARLOTTE A. BURROWS TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Charlotte A. Burrows, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on cloture on the Lopez nomination.

Mr. CARDIN. I yield back all remaining time.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

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

The assistant 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 the nomination of P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission.

Harry Reid, Tom Harkin, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Martin Heinrich, Elizabeth Warren, Richard J. Durbin, Christopher Murphy

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 the nomination of P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

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

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

## [Rollcall Vote No. 300 Ex.]

## YEAS—54

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

## NAYS—43

Alexander	Flake	Murkowski
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Chambliss	Inhofe	Scott
Coats	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	
Fischer	Moran	

## NOT VOTING—3

Coburn	Cochran	Landrieu
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The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43.

The motion is agreed to.

### NOMINATION OF P. DAVID LOPEZ TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of P. David Lopez, of Arizona, to be General Counsel of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. For the information of the Senate, with respect to the votes to confirm the Coloretto and Adler nominations, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Texas.

### THE ECONOMY

Mr. CORNYN. Madam President, last week, before the Thanksgiving holiday, our colleague from across the aisle, the senior Senator from New York, gave a very significant speech at the National

Press Club. Senator SCHUMER is not just a senior Senator from New York; he is an important Member of the Democratic leadership here in the Senate.

While giving the speech about the midterm elections, he said what many Members on this side of the aisle have been saying for the last 4 years, and that is that the Democratic party, by making the passage of ObamaCare their top priority after they won the election of 2008, "blew the opportunity the American people gave them." He said they did so by focusing "on the wrong problem."

What I think he meant and went on to say is that they should have focused on the lack of jobs and the wage stagnation for hardworking, middleclass families in America.

As he pointed out, that broader group of the middle class represented a much larger segment of the electorate than just a small percentage of the electorate represented by the uninsured. I would add, parenthetically, that we know that even the best laid plans with the Affordable Care Act has proven to be a terrible failure.

Today the Wall Street Journal reported that between 2007 and 2013 health insurance premiums for an average middleclass American family have gone up by 24 percent. As we know, when the President said if you like your doctor, you can keep him, that proved not to be true. When he said the family of four would see their premiums go down by \$2,500, that ended up not to be true either.

Two weeks ago, despite the overwhelming rejection the President's policies received at the polls, the President then decided to circumvent Congress and take Executive action on immigration, far exceeding any arguable authority that I believe most lawyers would think he has. Certainly, while we recognize it is within the President's discretion to prioritize the people against whom enforcement action will be taken, there is no legal authorization for doing other things he purports to have the authority to do, such as issuing work permits.

Then there is this. Just when it seemed that the Senate was beginning to work on avoiding a retroactive tax increase for millions of Americans, the President threatened to veto an important tax relief package, which, as I said, had bipartisan support, including the support of the majority leader, Senator REID, and Senator SCHUMER, the senior Senator from New York. He did so because it did not include every single provision he thought it should include.

If we have not learned before, we should now know that if you insist on absolute perfection—in other words, you want everything you want, and the alternative is nothing—then most of the time you are going to get nothing. That is what taxpayers are getting when it comes to aborting this retroactive tax provision in the so-called tax extenders bill.

To again quote our good friend from New York, by threatening to veto this job-creating tax relief, it appears that the President has once again focused on the wrong problem and is certainly going about this in a nonproductive and unconstructive way. It is unfortunate because the President seems to be positively allergic to good-faith negotiations and genuine compromise. Again, if your attitude is “my way or the highway,” you are going to get the highway all the time because that is not how our democratic institutions work. The only way things work is for us to find common ground and to compromise. Yet the President’s attitude seems, unfortunately, out of touch. He seems more interested in getting his way by any means necessary—hence, the Executive action on immigration.

We increasingly know that actions are dividing the country and hurting hard-working Texans and American families across the Nation—and not just by not contributing to the solution but by being a positive obstacle to bipartisan resolutions of so many of these problems. I realize the President must think that it is much easier to issue Executive orders and threaten to veto legislation from the White House, but it was not helping to solve problems we were sent here by our constituents to solve.

There is no real reason preventing us from getting to the tax relief I mentioned earlier that the President said he would veto. For years House and Senate Republicans—often with significant bipartisan support—have focused on making progrowth provisions of the Tax Code permanent, such as the research and development tax credit, accelerated depreciation, for example, and the section 179 provision.

To show how counterproductive it is for us to do these on a short-term basis or to try to jam them through a lame-duck session, I had a farmer from Texas come and see me. He said: I am prepared to spend and invest \$200,000 on my farm if I know this tax provision is going to be the law. If it is not, I won’t. To me, that is just another example of how what we do here—or what we don’t do here—has a negative impact on our economy and on investment in job creation.

While I know the bipartisan package proposed last week was not perfect, it certainly would have moved us in the right direction. It would have provided some certainty—indeed permanency—for some tax provisions and would have provided some temporary relief on others. Perhaps most importantly, it would have sent a signal to our constituents that we got the message that was delivered to us on November 4, and that we are going to commit ourselves anew to try to work together to provide certainty and protect millions of Americans from tax hikes that are just right around the corner and work on other constructive proposals to help solve problems that affect the middle class.

Unfortunately, the President has persisted in his attitude of refusing to negotiate with Congress, resulting in another missed opportunity, and ultimately another short-term fix that will provide no long-term certainty to taxpayers struggling in the Obama economy.

Come January, there will be a new majority in the Senate that will make the priorities of the American people the priorities of Congress. As for President Obama, we can only hope he will somehow have an epiphany and decide to work with us to unite the country rather than continue to divide the country with more Executive actions and his harmful “take it or leave it” approach to governing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Madam President, I was not intending to come down here. I was getting ready to leave to see my 12-year-old son who just got home from school and make sure that he has dinner and do all the things that a parent would do, but I heard a speech earlier today—and I just heard another one—and it is like revisionist history. It is amazing to me to hear them talk about information that they claim is information—and really when you listen carefully, it is really more of the same.

I agree with my colleague who was just here that people want something different as the new Congress comes in. I will not be here, as the Presiding Officer knows, but that does not mean I will not be a participant in my community and also making comments when I hear things. But what I heard was they are going to finally get to economic development and improve the economy.

The two Members who spoke today whom I heard were here when I came to the Senate in 2009, and a few years later the Presiding Officer came to the Senate. People may have forgotten where this economy was in 2009. The stock market was in dismal shape. I believe it was around 6,500 or 6,800—somewhere in that range. Unemployment was at 10 percent, and the pundits and economists all said it was growing. Approximately 700,000 jobs were lost per month. Two of the three largest U.S. automobile companies were basically on their back and about to go bankrupt. New housing starts didn’t exist, and prices of homes across the country were crashing. Consumer confidence was at the lowest point I have ever seen in I don’t know how many years. The deficit was—annually—about \$1.4 trillion.

I know what happens these days—because I have experienced it for the last several years—is news by the minute. What happens today in this moment of time are these one-liners and I can tell they are very synchronized today. They said that the economy was bad, and is still bad, and the bright spot is around the corner.

Actually, you have to look at where we are today, 6 years later. The stock

market is at 17,000-plus. What does that mean? It means that people who have retirement accounts, such as 401(k)s or 529s—putting money aside for their kids’ education—have had their value come back.

For my home State, which receives a benefit called the permanent fund check—we invest in the stock market with oil revenues we put aside constitutionally, and it is put in the permanent fund and a check is issued once a year. Guess what? This year the check is double from what it was last year. Why is that? Because it works on a 5-year average. Going backwards—I took the year 2009 off; it was a very bad year—what happened to the permanent fund check? It doubled this year in Alaska, which meant that people got that money in their pocket and spent it on the economy and helped to grow the economy.

Where is unemployment today? It is at 5.8 percent nationally—a 50-percent drop. GM, Ford, and Chrysler have added 500,000 jobs since mid-2009.

I know that today was like revisionist history. Amnesia has set into some people over there. They want to recreate the news because the good news is hard to talk about because it is reality.

Now, there is still a challenge. The Presiding Officer has talked about this a great deal, and that is that people are still working harder and longer because the incomes have not gone up enough. They have not seen it come down to them yet, but they have seen it in certain elements. Housing prices are up. In the one single largest investment an individual makes in a lifetime—their housing prices are back up.

Gasoline prices—I have no idea if my colleagues fill up their cars with gas. I do. I know what it costs to fill up my tank, and it costs less now. The average price across the country now is about \$2.77. In my State, it is about \$3.35. But we were up to \$5 in the urban areas—but not anymore.

I saw the statistic today, and I wrote it down. I think I have this right. The price of oil has gone down and so has the price of gasoline. What does that save consumers every day? It saves consumers \$630 million a day in current prices. It means that consumers are benefiting from that.

When you look at job growth—I believe we are in our 55th straight month of private-sector job growth. Again, we don’t have it fully trickling down to the wages yet, but first we have to right the economy. I know the voters have made a decision. Before I came in, the economy was a disaster. Before the Presiding Officer came in, the economy was barely recovering. But I will not sit here and listen to revisionist history.

As a matter of fact, the consumer confidence level is the highest this month since 2007. That means consumers are finally feeling it a little bit. There is still more to go. But to pretend that nothing has happened over

the last 6 years—I can't use the words on the floor here because it would be disrespectful—is just not true. It has changed. We still have more work to do.

As a matter of fact, the tax extender bill—the items they didn't want to support permanently would have brought it to every single family that is still struggling. But I know there are tax provisions they want for the NASCAR owners, the horseracing owners. I get that. Those are their issues. I understand that. But we have to be realistic.

Also, the deficit. Think about this. When I came to the Senate in 2009, the annual deficit in this country was \$1.4 trillion. Today, it is \$480 billion. It has dropped by \$1 trillion per year. Now do we want it to be zero? Yes. Do we want to have a surplus so we can start paying off the debt? Absolutely. But we have to get recovery first—get some treatment, which is what we have been doing—and then reinvest in the future. That means infrastructure, education, and objectives that matter to everyday Americans and everyday Alaskans.

I sit here and listen to these comments. Today it happened a little bit before 12:30 p.m., before our caucus break, because we usually break at 12:30 p.m. and I was going to go home. I turned on—my mistake. I turned on the station and I heard the commentary and I thought, Jacob is going to have to wait a little bit for dinner and I am going to come to the floor, because it is amazing to me. Exports—businesses we create in this country we ship out, up 37 percent over the last several years. I will give an example of a company in Alaska. When I was campaigning, I ran into this company in Fairbanks. They had their manufacturing plant in China. Do my colleagues know where they have it now? It is in Fairbanks, AK. They moved it from China to Fairbanks. I told them they should put a 4-by-8 sign out there and say, We take jobs from China and bring them home. They are all good jobs. As a matter of fact, they are union jobs. So when people talk about how unions are destroying the country—they actually brought jobs back that are union jobs, paying good wages, good benefits, and took it from China and brought it to Fairbanks, AK. It is unbelievable what they do. They do business not only in Alaska, but in Hawaii and other places.

I listened over and over again today, and I want to make sure people—also I should mention housing prices are up, new housing starts are up, which is important for the construction industry. It creates jobs and makes sure we have competition so prices are stabilized over time. Retail sales are strong. I have no idea if my colleague who spoke earlier has ever been in business. He talked about the 179 depreciation. I have actually used it because I have been in small business. I have no idea if he understands how it works, but for small businesses, it is a big deal. It is why Democrats have supported that time and time again.

As a matter of fact, we had it in the minimum wage bill we brought to the floor, the 179 extension, which they voted against, they did not support—raising the minimum wage, bringing people out of poverty and, by the way, helping small businesses expand and invest so they can grow more. As someone who used the 179 more than once—as a matter of fact, my wife has small businesses and is now expanding and investing and is using the 179 depreciation. I hear what they are saying, but I don't know if they understand how it is used. When we had the minimum wage bill, coupled with 179, it seemed to make a lot of sense, but they didn't like that, either.

So I wanted to come to the floor because I think it is important that we, No. 1, don't take things out of context. They mentioned Senator SCHUMER's speech several times. They should read the whole speech, because I think they selected verbiage. I don't agree 100 percent with his comments, but I agree with the concept. We actually did two things. We worked on health care and we worked on the economy. I see people sometimes when they eat their food, they eat one piece at a time—their carrots first, and then their potato, and then their steak. We actually did a little bit of everything. We dealt with health care, because it was crushing the economy, but we dealt with the economy overall. We had to take votes on a regular basis that the other side would never do, because we bet on America. And the result is 6 years later, here we are. The economy is better. It is stronger. It needs more work, there is no question about it. We need to get the deficit to zero and get a surplus, and knock the debt down. That was driven up not just by this administration but by past administrations as well. They forgot about the two wars they didn't pay for. The extender bill is not paid for. We didn't hear one word about how that tax extender bill is not going to be paid for. It is going to be another part of the debt. But 4 or 5 months ago—my colleagues may remember this—we were on the floor debating veterans care, and all they said is how are we going to pay for it. Well, the veterans paid, but we had to find a way. But here we are going to give more corporate tax relief without paying for it—except actually we do pay for it. Everyday Americans will pay for it with their taxes, and the debt, and interest on the debt. So we have to be clear about that.

I think about where we were, what we did, and where we are. It is significantly different than 6 years ago. It is better. I agree there is more work to be done to make sure we get more of the revenue stream and opportunities in the hands of individuals—hard-working Alaskans, hard-working folks from Massachusetts, and hard-working folks across this country. That is our next obligation. But to come to the floor and say the economy is a disaster is irresponsible. It is not correct. The num-

bers tell us differently. Actually, even the conservative Forbes, Wall Street Journal, and all of these other magazines and newspapers that I read are now talking about how the economy is moving because we have had this consecutive pattern which really tells how the economy is improving. That is important.

The last thing I will say from a purely Alaska perspective is not only are exports important to us because we do a lot of business overseas—we have seen exports increase. Our unemployment in Anchorage, for example, the city I am from, is 4.9 percent—a pretty good economy. Our fisheries industry, which I know the Presiding Officer and I share—78,000 jobs are connected to that—a \$5 billion, almost \$6 billion industry. Our tourism industry is up, with 2 million overall visitors to our State, again, generating income. There is more activity happening around the country than ever before, and my State is seeing it every single day.

But to come to the floor and continue to be naysayers and talk about how bad things are is really not responsible. We have done a great job. Can we do better? Absolutely. That is what we strive for every single day. And I hope—and I say this to the Presiding Officer because I will not be here after January—that they don't take the position where they are mad at immigration so now they are not going to do these economic development issues, or they are mad at something else and they take it out on some other program. We are going to have—the Presiding Officer will have differences with her colleagues, on immigration, maybe, on health care, on the economy, but we have to find common ground. The economy is a constant issue, and where investments should happen if we really want to have an impact down the road is investing in infrastructure, education, relieving—as the Presiding Officer has tried to do—relieving debt from students and families. There is now a \$1.4 trillion debt, I think, on families for student loans. It is outrageous. We should be lowering those rates.

Also, as tax reform issues come up, which they will next year, I hope the Senate and the House look at objectives such as making a big impact for individual families, lowering the rates for individual families, hard-working families, if we want to put cash in their pockets, if we want to change the dynamics, give them more of their money back, not the top 1 percent or even the top 10 percent, but I am talking about the folks we see every day—I see every day—out there working hard. We need to make sure they can start putting money aside for college education for their kids, putting money aside for retirement, spending more in the economy, because maybe that car that is 15 years old isn't running so well anymore. That is what I hope we do. Individual relief is more important than corporate relief or the top 1 percent.

On top of that, when we talk about corporate tax relief, never forget who really is driving the economy. It is the small business owners, including the limited liability corporations, the subchapter S corporations, the sole proprietor individuals. They all get taxed by individual rates. We will hear about corporate rate relief, which is important to be competitive, but that is for the big guys. But the guys we see every day—when we go to the cleaners, a sole proprietor; go to a restaurant, sole proprietor, maybe it is an LLC—they are not going to see that benefit unless we lower the rates for them. That is what we should be doing if we want to make a difference for them. Because they will use the 179 depreciation. The 179 has a limit. The big boys use it a little bit, but the limit is really designed for small businesses to reinvest. But if their tax rates are still too high, they won't be able to take advantage of that as much as they can. We want them to take advantage.

I didn't mean to take time here at the end of the evening. I know lots of times people want to get out. But, honestly, I couldn't sit there and listen to the revisionist history that continues to go on. The elections are over. I know now it is called the Obama economy. That is a new phrase. It is really collectively all of our economy, because we participated in trying to save it. They have objected to it for the last 6 years, so by their objection, they get to be a part of not having the result that maybe they wanted, but the result is the economy is much better. We need to do more work to make sure it gets into the hands of the individual out there. I know that is a priority to the Presiding Officer. But if I continue to hear it, I will continue to come to the floor and speak, because people can't get away with just saying over and over again that they are stating the facts, because the facts are very clear as I just stated. The stock market has gone up. Unemployment has dropped. Housing is up. Housing starts are up. The two largest automobile companies, all three of them now, over a half a million new jobs. Fifty-five consecutive months of growth. That is all good news and we should be proud of it. The Presiding Officer should be proud of it and the Senate should be proud of it. But there is no room for revisionist history when we talk about the fact of where we were 6 years ago and where we are today.

I appreciate the time and yield the floor and suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. WHITEHOUSE.** I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### CLIMATE CHANGE

**Mr. WHITEHOUSE.** Madam President, I am here for my 81st "Time To

Wake Up" speech and to ask this body to wake up to the effects of climate change and to say this: Acting on this issue will accelerate economic growth, spur innovation, and create jobs.

We have settled any real argument about the leading cause of climate change. It is carbon pollution. Measurements in the atmosphere and oceans reveal dramatic, even unprecedented changes in the climate.

Our scientists know carbon pollution heats up the climate and acidifies the ocean. That is beyond debate. They know this is already a problem for Americans and the world.

We had wonderful testimony from a NASA scientist today in the Environment and Public Works Committee who talked about what they actually see when they look down from the satellites.

They take measurements. They are not hypothesizing. They actually measure these things. The scientists know that continued, unchecked emissions of carbon dioxide will push the climate and the oceans into dangerous uncharted new territory.

In the face of overwhelming evidence of climate change, some of our Republican colleagues—just a few—are beginning to move beyond denial of basic measurements and basic classroom science and beginning to talk about the costs of action. That is progress. When he was asked recently about climate change, the junior Senator from South Dakota acknowledged there are a number of factors that contribute to that, including human activity. The question is, he went on to say, what are we going to do about it and at what cost?

Across the building, over on the House side, Congressman PAUL RYAN of Wisconsin has also been talking about the costs of action. In his most recent campaign for reelection, he said that when it comes to action to reduce carbon emissions, "the benefits don't outweigh the costs."

Let's talk about that. When we get past the denial, which with a few of our colleagues it seems we have—not all, maybe not even many, but a few—and we talk about balancing costs and benefits, if we look at the whole ledger, there is no doubt about it that the balance favors action.

Climate change carries enormous costs to our economy and to our way of life. Acting now can accelerate economic growth and create new jobs. The costs of climate change are huge. We even hear this from our own advisers at the Government Accountability Office. In its 2013 high-risk list, our Government Accountability Office said that climate change poses a significant risk to the U.S. Government and to our Nation's budget. Why? The Federal Government owns and operates infrastructure and property that is vulnerable to the effects of climate change. The Federal Government provides aid and disaster response when State agencies are overwhelmed. The Federal Government is an insurer of property and crops vul-

nerable to climate disruption. These are major line items in the Federal budget.

Our Treasury Secretary, Jack Lew, recently explained:

If the fiscal burden from climate change continues to rise, it will create budgetary pressures that will force hard trade-offs, larger deficits or higher taxes, and these tradeoffs would make it more challenging to invest in growth.

One example—just one. Last month, in the GAO report on what climate change means for private and Federal insurance for crops and for floods, it warned of increased hurricane-related losses to the Federal program. They estimated between a 14- and 47-percent increase by 2040 and a 50- to 110-percent increase over the next century due to climate change. Remember, when you are doubling a number like that, you are starting with a pretty big baseline.

Superstorm Sandy wrought \$66 billion in damage in 2012. If we are constantly replacing damaged roads and bridges, always adapting farming and fishing practices to suit never-seen-before conditions, and frequently paying out big disaster relief and flood insurance claims, that will hit the Federal pocketbook hard.

We do not even have to look to the costs of the future to justify reducing carbon pollution today. Increasingly, green energy makes economic sense for utilities, for business, and for consumers. Since 2008, prices for solar photovoltaic have dropped 80 percent—80 percent. Austin Energy in Texas recently signed a power purchase agreement for a 150-megawatt solar plant at 5 cents per kilowatt hour—less expensive than comparable offers for natural gas at 7 cents, coal at 10 cents, or nuclear power at 13 cents. The story is similar for wind power. Since 2009, the cost of wind power has decreased by 64 percent. At the lowest end of the price range nationally, unsubsidized wind power prices are just below 4 cents per kilowatt hour. This compares favorably to new coal generation, priced between 6 and 7 cents per kilowatt hour at the lowest end.

The World Resources Institute has just done a brief report called "Seeing is Believing: Status of renewable energy in the United States." It is headlined "Wind & solar are cheaper than coal & gas in a growing number of markets." It lists sales in Utah, Colorado, Texas, Georgia, and Minnesota—not States that have a lot in common except that renewables are beginning to outcompete fossil fuels in those States.

Similarly, the New York Times just last week in its business section highlighted this shift in an article: "Solar and Wind Energy Start to Win on Price vs. Conventional Fuels."

I ask unanimous consent that the World Resources Institute report and the New York Times story be printed in the RECORD at the conclusion of my remarks.

Green energy jobs—they are out there. They are helping communities.

Indeed, they are helping communities recover from the great recession. Let me use a Rhode Island example—TPI Composites. TPI has a development and manufacturing facility in Warren, RI. It is also one of our leading manufacturers of wind turbine blades. They make them in Iowa. When the Maytag plant closed in Newton IA, leaving as many as 4,000 workers jobless, wind jobs helped the town get back on its feet. In 10 years TPI has manufactured more than 10,000 wind turbine blades.

In Iowa, MidAmerican Energy pays farmers thousands of dollars each year to site their turbines on their farms. The farmers love it. They can farm right up to about 25 feet around the base of the turbine. There is a little gravel road for the maintenance trucks, but they can farm right up to that. They get paid for having the turbines on their farms. So it is a win-win that has helped Iowa generate more than one-quarter of its electricity from wind.

They are investing more. They have been reducing emissions and moving the State's economy forward—step by step reducing emissions and moving the economy forward. More and more companies, in their own planning, are seeing the economic benefits from cleaning up their supply chains and reducing carbon pollution from their operations. They see green investments increasing profits. “Too many people say it's this or that,” Apple CEO Tim Cook explained earlier this year. “We've found that if you set the bar high, then it's possible to do both.”

Outside these walls here in Congress, where the deniers rule and polluter money reigns, State and local political leaders also see that reducing carbon pollution and growing the economy go hand in hand. Almost 10 years ago, the Presiding officer's State and my State and others—bipartisan—nine northeastern Governors came together and formed the Regional Greenhouse Gas Initiative, called RGGI, which caps carbon emissions and sells permits to powerplants to emit greenhouse gasses. Since the program started, RGGI States that have cut emissions from the power sector have cut them by 40 percent.

Here is the blue line. That is the emission chart from 2005 through 2012. Well, if cutting emissions was bad for the economy, you would think that the State GDP would have followed downward in that curve, but, in fact, you see that the regional economy across these States actually grew by 7 percent—grew by 7 percent. Bear in mind, this is 2008, the great recession.

Here we are now. So you would think that during this period the GDP numbers would have taken a pounding. The underlying numbers are actually better than this once you adjust for the recession.

Early estimates show that in its first decade, RGGI will have saved New England families and businesses in the participating States nearly \$1.3 billion on

their electric bills. It will have added \$1.6 billion into local economies. Along the way, those RGGI States will have added 16,000 job years. Additional investments are coming online because it is such a successful program. So those benefits also grow. Rhode Island has put over 90 percent of the money generated through the RGGI auctions into energy efficiency improvements, helping residents save money on their utility bills and making small businesses more competitive. This success led Tom Wolf, the Governor-elect of Pennsylvania—a coal mining and natural gas State—to campaign for office successfully on joining RGGI.

RGGI shows that improving the environment boosts the economy. Look north to Canada. British Columbia has a revenue-neutral carbon fee that has reduced the use of polluting fossil fuels by 16 percent. What has happened to the economy? The BC economy has not missed a step. The carbon fee revenue has been used to lower personal and corporate rate income taxes. British Columbia now has the lowest personal tax rate in Canada.

If our Republican colleagues would like to lower our American corporate and individual taxes, then I have a revenue-neutral carbon fee bill I am happy to discuss with them. Evidence from Rhode Island to British Columbia shows that action on carbon pollution spurs innovation, creates jobs, and economically boosts families and businesses.

Today I discussed this larger report, again from the World Resources Institute, which is a group that has, for instance, executives from Alcoa and Caterpillar on its board. This is not some fringe group; it is a very responsible organization with significant corporate and international leadership.

Here is the lead sentence:

A growing body of evidence shows that economic growth is not in conflict with efforts to reduce emissions of greenhouse gasses.

It continues:

Policies are often necessary to unlock these opportunities, however, because market barriers hamper investment in what are otherwise beneficial activities.

That is what we are about here. Unlock those opportunities for our economy. On the downside—here is the first chapter heading: “Delaying action will have significant economic impacts.”

Climate change itself constitutes a significant risk to the nation's economy.

The downside is on doing nothing, according to this report. The upside is on changing our policies to seize those opportunities. Why are we here fighting about this? Well, again, to quote the report:

The persistence of pollution externalities—“Pollution externalities” means when the cost of your product—you can ship off to somebody else and make them have to take care of it.

The persistence of pollution externalities gives an unfair advantage to polluting ac-

tivities. Externalities occur when a product or activity affects people in ways that are not fully captured in its price, such as the full health effects of air pollution not being factored into the cost of electricity generation. Thus, society rather than the company pays the cost.

Why are we in this fight? Because there are a lot of companies that folks on the other side are supporting and representing here that have been the winners in that fight. They have had those polluting externalities work in their favor. They have enjoying that unfair advantage. They do not want to give it up. But as the report continues, the well-designed policies can overcome those market barriers and direct investment into beneficial technologies and practices. New policies can enhance the transition to a low-carbon economy while delivering net economic benefits and, in many cases, direct savings for consumers and businesses. So that is pretty good news.

Equally important, taking action helps to reduce the worst effects of climate change—what is coming at us. Do not just take my word for it. Many conservative economists, writers, and officials see the benefits of market-based climate action. “A tax on carbon,” wrote Hudson Institute economist Irwin Stelzer, “need not swell the government's coffers—if we pursue a second, long-held conservative objective: Reducing the tax on work.”

He continues:

It would be a relatively simple matter to arrange a dollar-for-dollar, simultaneous reduction in payroll taxes. . . . Anyone interested in jobs, jobs, jobs should find this an attractive proposition, with growth-minded conservatives leading the applause.

That is the economics of it unless you are shilling for the folks who have had the unfair advantage and want to keep it, but that is not market based, that is not economics, that is just taking care of special interests.

A recent joint report from economists at the Brookings Institution and the conservative American Enterprise Institute described human-induced greenhouse gas emissions as a textbook example of a negative externality. The report proposed—guess what—a revenue-neutral carbon fee program as the efficient and elegant approach to managing carbon pollution.

According to the report's authors:

Taxing something we do not want (e.g. greenhouse gas emissions) rather than something we want more of (e.g., productive labor and investment) could help lower the economy-wide cost of the program and may even have economic benefits in addition to its environmental benefits.

Today, in the Environment and Public Works Committee, I had a conversation with a Heritage Foundation witness in which I read to the witness a very similar quote from the economist Arthur Laffer, Reagan's economist, saying: A carbon fee—where you tax the product in the ground and relieve taxes on work and effort by people—is a net win for the economy.

I asked the witness what he thought about that, and he couldn't dispute it.



In fact, he considers himself to be something of an acolyte of Arthur Laffer's, so there is actually a lot of economic support for it.

I will conclude by saying, if the topic is now not going to be denial but it is going to be the cost and benefits of climate action, I am ready to have that conversation all day long. Let's just make sure it is the whole conversation, not just the half of the conversation that looks at what losing their subsidy means for the big oil companies, the big coal companies, the Koch brothers and the rest of the polluters.

A lot of my colleagues only look at one side of the ledger, how this affects the fossil fuel lobby. If we look at the whole ledger, if we look at both sides, when we look at all the evidence, it tells us one thing; that is, that the costs of climate change are already here. They are showing up in our lives in innumerable ways that carry real economic costs and carry real costs in terms of quality of life and our identity as a country, and in fact they may overwhelm us by century's end. Looking at all the evidence shows us that significant reductions in carbon pollution will actually support jobs and increase economic growth.

Finally, a revenue-neutral carbon fee would spur innovative business models and technological development in the United States. If we lose this race to clean up our carbon mess, one of the collateral injuries we will sustain is that we will not have developed a robust clean energy economy and we will find ourselves buying products from the Chinese, the Indians, the Europeans, and others.

We need to put our industry to the test. They will rise to it. They always have. We can trust them. We can count on them, but giving them a pass does not serve their interests or ours. This will drive market forces to decrease our emissions and grow our economy.

We have the tools to do something big. It has been proven in British Columbia. It has been proven with RGGI. All of the economists across the economic spectrum seem to agree the time is right to put a national price on carbon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the World Resources Institute]

SEEING IS BELIEVING: STATUS OF RENEWABLE ENERGY IN THE UNITED STATES  
WIND & SOLAR ARE CHEAPER THAN COAL & GAS  
IN A GROWING NUMBER OF MARKETS

For each region, the average wind power purchase agreement (PPA) is cheaper than new coal plants, new coal and natural gas plants, and new coal and natural gas plants, even without federal tax incentives. Wind PPA data is unavailable in the Southeast region.

WELL DESIGNED POLICIES & TECHNOLOGICAL IMPROVEMENTS CAN CONTINUE THESE TRENDS

Prices for solar PV systems have dropped 80 percent since 2008; analysts expect a continued decline in the coming years.

New, taller wind turbines with longer blades are able to capture more energy and

can open the U.S. up to new areas of wind development.

Long-term regulatory certainty is needed through a price on carbon (like a carbon tax or cap-and-trade), or greenhouse gas standards for existing power plants.

Additional important policy signals include: States and utilities should ensure that renewable energy providers have access to long-term contracts, which could reduce the average electricity costs of wind and solar projects by 10–15 percent. Major corporations are already taking advantage of electricity price savings from these long-term contracts, and are asking for access in more states through the Corporate Renewable Energy Buyers' Principles.

Congress should address the design flaw of renewable tax incentives so that more of the value of the credit flows to project developers (as opposed to third party investors) without increasing the cost to taxpayers, for example by making the tax incentive "refundable".

Renewable projects can face high financing costs, so financial regulators and lending institutions should work together to develop new investment models that lower these costs.

Bringing more renewables online can be challenging because the supply varies. States and utilities should update regulations and business models to promote a flexible power grid that uses more storage, distributed generation, and demand response.

Federal spending on research and development in the power sector has fallen 77 percent since 1980, while the power industry itself spends only .05 percent of its earnings on R&D (compared to 11 percent for the pharmaceutical industry and 8 percent for computers and electronics). Congress should therefore increase federal funding for research, development and commercialization of low-carbon and energy-saving technologies, especially for those that could generate baseload electricity like geothermal and concentrating solar power.

In the absence of other tools to provide long-term regulatory certainty, EPA has used its existing legal authority under the Clean Air Act to propose greenhouse gas standards for existing power plants. EPA should finalize these standards.

[From the New York Times, Nov. 23, 2014]

SOLAR AND WIND ENERGY START TO WIN ON PRICE VS. CONVENTIONAL FUELS  
(By Diane Cardwell)

For the solar and wind industries in the United States, it has been a long-held dream: to produce energy at a cost equal to conventional sources like coal and natural gas.

That day appears to be dawning.

The cost of providing electricity from wind and solar power plants has plummeted over the last five years, so much so that in some markets renewable generation is now cheaper than coal or natural gas.

Utility executives say the trend has accelerated this year, with several companies signing contracts, known as power purchase agreements, for solar or wind at prices below that of natural gas, especially in the Great Plains and Southwest, where wind and sunlight are abundant.

Those prices were made possible by generous subsidies that could soon diminish or expire, but recent analyses show that even without those subsidies, alternative energies can often compete with traditional sources.

In Texas, Austin Energy signed a deal this spring for 20 years of output from a solar farm at less than 5 cents a kilowatt-hour. In September, the Grand River Dam Authority in Oklahoma announced its approval of a new agreement to buy power from a new

wind farm expected to be completed next year. Grand River estimated the deal would save its customers roughly \$50 million from the project.

And, also in Oklahoma, American Electric Power ended up tripling the amount of wind power it had originally sought after seeing how low the bids came in last year.

"Wind was on sale—it was a Blue Light Special," said Jay Godfrey, managing director of renewable energy for the company. He noted that Oklahoma, unlike many states, did not require utilities to buy power from renewable sources.

"We were doing it because it made sense for our ratepayers," he said.

According to a study by the investment banking firm Lazard, the cost of utility-scale solar energy is as low as 5.6 cents a kilowatt-hour, and wind is as low as 1.4 cents. In comparison, natural gas comes at 6.1 cents a kilowatt-hour on the low end and coal at 6.6 cents. Without subsidies, the firm's analysis shows, solar costs about 7.2 cents a kilowatt-hour at the low end, with wind at 3.7 cents.

"It is really quite notable, when compared to where we were just five years ago, to see the decline in the cost of these technologies," said Jonathan Mir, a managing director at Lazard, which has been comparing the economics of power generation technologies since 2008.

Mr. Mir noted there were hidden costs that needed to be taken into account for both renewable energy and fossil fuels. Solar and wind farms, for example, produce power intermittently—when the sun is shining or the wind is blowing—and that requires utilities to have power available on call from other sources that can respond to fluctuations in demand. Alternately, conventional power sources produce pollution, like carbon emissions, which face increasing restrictions and costs.

But in a straight comparison of the costs of generating power, Mr. Mir said that the amount solar and wind developers needed to earn from each kilowatt-hour they sell from new projects was often "essentially competitive with what would otherwise be had from newly constructed conventional generation."

Experts and executives caution that the low prices do not mean wind and solar farms can replace conventional power plants anytime soon.

"You can't dispatch it when you want to," said Khalil Shalabi, vice president for energy market operations and resource planning at Austin Energy, which is why the utility, like others, still sees value in combined-cycle gas plants, even though they may cost more. Nonetheless, he said, executives were surprised to see how far solar prices had fallen. "Renewables had two issues: One, they were too expensive, and they weren't dispatchable. They're not too expensive anymore."

According to the Solar Energy Industries Association, the main trade group, the price of electricity sold to utilities under long-term contracts from large-scale solar projects has fallen by more than 70 percent since 2008, especially in the Southwest.

The average upfront price to install standard utility-scale projects dropped by more than a third since 2009, with higher levels of production.

The price drop extends to homeowners and small businesses as well; last year, the prices for residential and commercial projects fell by roughly 12 to 15 percent from the year before.

The wind industry largely tells the same story, with prices dropping by more than half in recent years. Emily Williams, manager of industry data and analytics at the American Wind Energy Association, a trade

group, said that in 2013 utilities signed “a record number of power purchase agreements and what ended up being historically low prices.”

Especially in the interior region of the country, from North Dakota down to Texas, where wind energy is particularly robust, utilities were able to lock in long contracts at 2.1 cents a kilowatt-hour, on average, she said. That is down from prices closer to 5 cents five years ago.

“We’re finding that in certain regions with certain wind projects that these are competing or coming in below the cost of even existing generation sources,” she said.

Both industries have managed to bring down costs through a combination of new technologies and approaches to financing and operations. Still, the industries are not ready to give up on their government supports just yet.

Already, solar executives are looking to extend a 30 percent federal tax credit that is set to fall to 10 percent at the end of 2016. Wind professionals are seeking renewal of a production tax credit that Congress has allowed to lapse and then reinstated several times over the last few decades.

Senator Ron Wyden, the Oregon Democrat, who for now leads the Finance Committee, held a hearing in September over the issue, hoping to push a process to make the tax treatment of all energy forms more consistent.

“Congress has developed a familiar pattern of passing temporary extensions of those incentives, shaking hands and heading home,” he said at the hearing. “But short-term extensions cannot put renewables on the same footing as the other energy sources in America’s competitive marketplace.”

Where that effort will go now is anybody’s guess, though, with Republicans in control of both houses starting in January.

Mr. WHITEHOUSE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DONNELLY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the previous order be modified so the votes originally scheduled for 3 p.m. tomorrow now occur at 5:30 p.m. and that the time following the 10 a.m. cloture votes and 5:30 p.m. be equally divided in the usual form; further, that notwithstanding rule XXII, following the vote on cloture on Calendar No. 555, the Senate proceed to vote on cloture on the nomination of Calendar No. 660; that if cloture is invoked on either nomination, the time under cloture run consecutively in the order in which cloture was invoked, with all other provisions of the previous order remaining in effect.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### REMEMBERING JEFF E. CAUDILL

Mr. MCCONNELL. Mr. President, I rise today to honor the life of Mr. Jeff E. Caudill—a veteran and tireless public servant who passed away last month at the age of 84.

Jeff was born in a log cabin in Viper, KY, on January 20, 1930. In order to help support himself and his family, he began work in the coal mines with his father and brothers at the age of 14.

Without a formal education past the seventh grade, Jeff decided to join the U.S. Army, where he proudly served his country for 22 years throughout both the Korean and Vietnam wars.

After his retirement from the military, Jeff moved back to Kentucky where he continued his service to the community in other ways. Throughout London, KY, he is known as “Santa Jeff.” Jeff was afforded this nickname in part because his white beard gave him the ability to play the part during the Christmas season, but also because he could be counted on to serve his community in all seasons.

Jeff was known to organize clothing and food drives, make hospital visits to the sick and elderly, and captain the Honor Guard at military funerals. Whatever he could do to better the lives of others, you could count on Jeff to deliver.

Jeff Caudill’s life of service to his country, community, and family set a shining example for us all to follow. Therefore, I ask that my U.S. Senate colleagues join me in honoring this exemplary citizen.

The London-area publication the Sentinel-Echo recently published an article detailing the life of Mr. Caudill. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel-Echo, Nov. 17, 2014]

#### REMEMBERING JEFF

(By Nita Johnson)

One of the founding members of the Laurel-London Optimist Club and “Santa Jeff” died suddenly at his home Friday morning.

Jeff Caudill, best known for his efforts in founding the local Optimist Club and for his many years of portraying Santa Claus in the annual Christmas parade, had ongoing health problems. In recent years, he had suffered two strokes and a heart attack as well as kidney failure. His wife Shirley said Caudill had breakfast Friday morning and was planning his usual daily activities when he had “a massive heart attack” that ended his life.

Caudill, 84, was instrumental in establishing the Laurel-London Optimist Club. For many years, he hosted a Halloween party at his home, giving away bicycles and cooking for children of all ages—the predecessor of the current Optimist Club Halloween party held each year. He served as president of the local organization several times including twice as the Honor Club and again as vice president. He served as Lt. Governor for the Kentucky-West Virginia region and was named Optimist of the Year both locally and throughout the district. He was presented with a Lifetime Achievement Award in 2008 for his years of dedicated service to the Optimist Club.

Caudill was also known throughout the community as “Santa Jeff”, posing with children at Walmart for yearly Christmas pictures. He was hand-picked by former London-Laurel County Chamber of Commerce executive director Randy Smith to portray Santa Claus in the Christmas parade—a job that Caudill thrived on each year. One year, however, Caudill was hospitalized and was on life support and could not fulfill his Santa duties.

“The day of the parade, he had big tears running down his face,” his wife said. “That’s the only Christmas parade he ever missed, once even putting on his Santa suit 10 days after having surgery.”

In fact, Caudill had just had his Santa suit dry cleaned in preparation for this year’s Christmas parade. His bag was already half-full of candy canes that he always gave out to children.

“He was one of 16 children. They didn’t have Christmas,” Shirley said. “He didn’t get candy or clothes or toys. That’s why he worked so hard to make sure other children had a Christmas.”

Caudill spent 22 years in the U.S. Army, 14 of which were overseas. He served in Korea in 1947 before going to Japan a year later. He was wounded during a battle but continued to serve his country, moving his family to various military posts across the world. After discharge, Caudill was considered 100 percent disabled, but he continued to honor military heroes through the Disabled American Veterans organization where he served on the Color Guard and participated in military funeral tributes.

Funeral arrangements for Jeff Caudill were pending at London Funeral Home at press time Friday. Burial will be held at Camp Nelson in Jessamine County. The family asks that in lieu of flowers, donations be made to the Jeff Caudill Optimist Scholarship fund to assist local students in their college costs.

#### REMEMBERING SALVATORE FERRARA

Mr. DURBIN. Mr. President, Chicago lost its Candy Man on Thanksgiving Day. Salvatore Ferrara II passed away in Oak Brook, IL. He was the third generation of the Ferrara family who has given us memories, cavities, and the treats that lit up kids for generations.

Simply listing their iconic candies takes you back in time: Original Boston Baked Beans at the Saturday movies, Red Hots after a sandlot game, Lemonheads at the swimming pool, and Atomic Fireballs on a dare. A handful of Ferrara candy was like a handful of happiness.

Ferrara Pan Candy Company was started in 1908 in Chicago by Mr. Ferrara’s grandfather, the original Salvatore Ferraro. Its first candy was

confetti, the candy-coated almonds served at Italian weddings, symbolizing good luck. Nello Ferrara followed his dad into the business.

It was Nello who invented the company's lip-puckering Lemonhead candies. Little Sal was born with forceps, giving him a temporarily misshapen head—"like a lemon," his dad said. And candy history was made.

Nello Salvatore's military service in Japan after World War II provided the inspiration for another company classic—Atomic Fireballs.

Sal II joined the family business in the mid seventies. Over the next 40 years, the company would grow from 35 to more than 500 workers, and annual revenues soared from \$3.5 million to \$300 million. It also acquired another iconic candy: Gummy Bears.

Sal Ferrara died of esophageal cancer. His family said he hadn't smoked since 1981. His doctor reportedly linked his cancer to acid reflux disease. He was too young—just 63 years old.

I want to offer my condolences to Mr. Ferrara's friends and family, especially his wife Andrea, his children Alana, Lauren, Nello II, and Erik, and his three grandchildren.

I join kids and former kids all over America in thanking Sal Ferrara and his family for so many sweet treats and happy memories.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING DAVID GADIS

• Mr. DONNELLY. Mr. President, today, I applaud David L. Gadis, a lifelong Hoosier, for his induction into the Indiana Basketball Hall of Fame and for his civic leadership in the Indianapolis community.

Established in 1962, the Indiana Basketball Hall of Fame is dedicated to recognizing Indiana's basketball legends and inspiring the future of basketball in our State. Individuals are eligible for nomination 26 years after playing high school basketball, and all nominees are evaluated by a statewide board of directors. In recognition of his contributions to Indiana basketball, David Gadis was inducted into the Indiana Basketball Hall of Fame earlier this year.

Born and raised in northwest Indianapolis, David played in his first competitive basketball league at the age of 7 at Municipal Gardens, where he went on to win several AAU-level State championships and a few national runner-up titles. While attending Pike High School, David broke 15 school records, averaged 25 points per game during his senior year, and scored 1,368 career points. David received a number of awards, including being named team MVP, Conference Player of the Year, a Street & Smith Magazine All-American, and a 1980 Indiana All Star. His success at Pike High School earned David a spot on the Southern Methodist University basketball team in

Dallas, TX. As a senior and team captain in 1984, David led his team in a successful 25 and 8 season, earning a place in the NCAA Basketball Championship. More recently, David was a member of the 2005 Indiana Basketball Hall of Fame Silver Anniversary Team.

David's commitment to excellence extends beyond the court. After graduating from Southern Methodist University with a degree in marketing communication, David became vice president of shared services for the Indianapolis Water Company, now Veolia Water Indianapolis, VWI. Today, David serves as executive vice president of sales, marketing and government affairs for Veolia Water North America.

David has dedicated himself to positively impacting communities by creating valuable relationships between public and private utility firms, in order to ensure there are reliable and efficient utilities for Hoosiers and our Nation. With David's leadership, VWI received the United States Conference of Mayors' 2006 Public/Private Partnership Award, as well as the mayor of Indianapolis' Celebration of Diversity Award and the Indiana Minority Supplier Development Council's Circle of Excellence Award a total of three times.

David has served on the boards of the Indianapolis Urban League, Fifth Third Bank, Central Indiana Corporate Partnership, Indianapolis Sports Corporation, Indiana Business Diversity Council, Greater Indianapolis Chamber of Commerce, the Indiana Chamber of Commerce, the local Big Ten Basketball Tournament Committee, Indianapolis Downtown Incorporated, and is a member of the American Water Works Association.

David is a tireless advocate for Hoosiers and everyone he advises. Whether he is inspiring us with his skills on the basketball court or developing better municipal infrastructure, David has demonstrated his devotion to civic engagement, diversity, and making Indiana an even better place to live. I want to thank David Gadis for his commitment to the city of Indianapolis and its surrounding communities and congratulate him once again on his induction into the Indiana Basketball Hall of Fame and for all of his outstanding achievements.●

#### MESSAGE FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2455. An act to provide for the sale or transfer of certain Federal lands in Nevada, and for other purposes.

H.R. 3410. An act to amend the Homeland Security Act of 2002 to secure critical infrastructure against electromagnetic pulses, and for other purposes.

H.R. 3438. An act to amend the Homeland Security Act of 2002 to authorize use of grants under the Urban Area Security Initia-

tive and the State Homeland Security Grant Program to work in conjunction with a Department of Energy national laboratory.

H.R. 4924. An act to direct the Secretary of the Interior to enter into the Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, to provide for the lease of certain land located within Planet Ranch on the Bill Williams River in the State of Arizona to benefit the Lower Colorado River Multi-Species Conservation Program, and to provide for the settlement of specific water rights claims in the Bill Williams River watershed in the State of Arizona.

H.R. 5421. An act to amend title 11 of the United States Code in order to facilitate the resolution of an insolvent financial institution in bankruptcy.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3410. An act to amend the Homeland Security Act of 2002 to secure critical infrastructure against electromagnetic pulses, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5421. An act to amend title 11 of the United States Code in order to facilitate the resolution of an insolvent financial institution in bankruptcy; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2970. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1618. A bill to enhance the Office of Personnel Management background check system for the granting, denial, or revocation of security clearances or access to classified information of employees and contractors of the Federal Government (Rept. No. 113-283).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

\*Virginia Tyler Lodge, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2019.

\*Ronald Anderson Walter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2019.

\*Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2018.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

\*Lauren McGarity McFerran, of the District of Columbia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2019.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 2967. A bill to prohibit the Federal Government from mandating, incentivizing, or coercing States to adopt the Common Core State Standards or any other specific academic standards, instructional content, curricula, assessments, or programs of instruction; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 2968. A bill to include community partners and intermediaries in the planning and delivery of education and related programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY:

S. 2969. A bill to authorize the transfer of certain items under the control of the Omar Bradley Foundation to the descendants of General Omar Bradley; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

S. 2970. A bill to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes; read the first time.

#### ADDITIONAL COSPONSORS

S. 772

At the request of Mr. NELSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 772, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 864

At the request of Mr. WICKER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 864, a bill to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

S. 995

At the request of Mr. BOOZMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 995, a bill to authorize the National Desert Storm Memorial Association to establish the National Desert Storm and Desert Shield Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 1011

At the request of Mr. JOHANNIS, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 1011, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 1029

At the request of Mr. PORTMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1029, a bill to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents.

S. 1332

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of S. 1332, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 1407

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1407, a bill to amend the Elementary and Secondary Education Act of 1965 to strengthen elementary and secondary computer science education, and for other purposes.

S. 2621

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2621, a bill to amend the Migratory Bird Hunting and Conservation Stamp Act to increase the price of Migratory Bird Hunting and Conservation Stamps to fund the acquisition of conservation easements for migratory birds, and for other purposes.

S. 2693

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2693, a bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes.

S. 2714

At the request of Mr. BLUNT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2714, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of World War I.

S. 2723

At the request of Mr. FRANKEN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2723, a bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low income housing tax credit.

S. 2738

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2738, a bill to establish in the Department of Veterans Affairs a national center for research on the diagnosis and treatment of health conditions of the descendants of veterans ex-

posed to toxic substances during service in the Armed Forces, to establish an advisory board on exposure to toxic substances, and for other purposes.

S. 2785

At the request of Mr. BROWN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2785, a bill to direct the Administrator of the Environmental Protection Agency to publish a health advisory and submit reports with respect to microcystins in drinking water.

S. 2828

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 2828, a bill to impose sanctions with respect to the Russian Federation, to provide additional assistance to Ukraine, and for other purposes.

S. 2839

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2839, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 2843

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2843, a bill to amend title 10, United States Code, to provide certain members of the reserve components of the Armed Forces who are victims of sex-related offenses with access to a special victims' counsel.

S. 2944

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2944, a bill to amend the Social Security Act to provide for the termination of social security benefits for individuals who participated in Nazi persecution, and for other purposes.

S. 2949

At the request of Mr. THUNE, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 2949, a bill to improve motor vehicle safety by encouraging the sharing of certain information.

S. 2964

At the request of Mr. BROWN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Washington (Mrs. MURRAY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2964, a bill to extend the trade adjustment assistance program, and for other purposes.

S. 2966

At the request of Ms. BALDWIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2966, a bill to improve the understanding and coordination of critical care health services.

S. RES. 578

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 578, a resolution supporting the role of the United States in ensuring children in the world's poorest countries have access to vaccines and immunization through Gavi, the Vaccine Alliance.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3965. Mr. WARNER (for himself, Mr. VITTER, Mr. KAINE, and Mr. CARDIN) proposed an amendment to the bill S. 1000, to require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and for other purposes.

SA 3966. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2828, to impose sanctions with respect to the Russian Federation, to provide additional assistance to Ukraine, and for other purposes; which was ordered to lie on the table.

SA 3967. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3968. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3969. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3970. Mr. WYDEN (for himself, Mr. SCOTT, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3965.** Mr. WARNER (for himself, Mr. VITTER, Mr. KAINE, and Mr. CARDIN) proposed an amendment to the bill S. 1000, to require the Director of the Office of Management and Budget to prepare a crosscut budget for restoration activities in the Chesapeake Bay watershed, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Chesapeake Bay Accountability and Recovery Act of 2014”.

##### SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **CHESAPEAKE BAY STATE.**—The term “Chesapeake Bay State” or “State” means any of—

(A) the States of Maryland, West Virginia, Delaware, and New York;

(B) the Commonwealths of Virginia and Pennsylvania; and

(C) the District of Columbia.

(3) **CHESAPEAKE BAY WATERSHED.**—The term “Chesapeake Bay watershed” means all tributaries, backwaters, and side channels, including watersheds, draining into the Chesapeake Bay.

(4) **CHESAPEAKE EXECUTIVE COUNCIL.**—The term “Chesapeake Executive Council” has the meaning given the term by section 117(a) of the Federal Water Pollution Control Act (33 U.S.C. 1267(a)).

(5) **CHIEF EXECUTIVE.**—The term “chief executive” means, in the case of a State or Commonwealth, the Governor of the State or Commonwealth and, in the case of the District of Columbia, the Mayor of the District of Columbia.

(6) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(7) **FEDERAL RESTORATION ACTIVITY.**—

(A) **IN GENERAL.**—The term “Federal restoration activity” means a Federal program or project carried out under Federal authority in existence as of the date of enactment of this Act with the express intent to directly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that provide financial and technical assistance to promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed.

(B) **CATEGORIZATION.**—Federal restoration activities may be categorized as follows:

- (i) Physical restoration.
- (ii) Planning.
- (iii) Feasibility studies.
- (iv) Scientific research.
- (v) Monitoring.
- (vi) Education.
- (vii) Infrastructure development.

(8) **STATE RESTORATION ACTIVITY.**—

(A) **IN GENERAL.**—The term “State restoration activity” means any State program or project carried out under State authority that directly or indirectly protect, conserve, or restore living resources, habitat, water resources, or water quality in the Chesapeake Bay watershed, including programs or projects that promote responsible land use, stewardship, and community engagement in the Chesapeake Bay watershed.

(B) **CATEGORIZATION.**—State restoration activities may be categorized as follows:

- (i) Physical restoration.
- (ii) Planning.
- (iii) Feasibility studies.
- (iv) Scientific research.
- (v) Monitoring.
- (vi) Education.
- (vii) Infrastructure development.

##### SEC. 3. CHESAPEAKE BAY CROSSCUT BUDGET.

(a) **IN GENERAL.**—The Director, in consultation with the Chesapeake Executive Council, the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, shall submit to Congress a financial report containing—

(1) an interagency crosscut budget that displays, as applicable—

(A) the proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;

(B) to the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;

(C) all expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year;

(D) all expenditures, to the extent that information is available, for State restoration

activities during the equivalent time period described in subparagraph (C); and

(E) a section that identifies and evaluates, based on need and appropriateness, specific opportunities to consolidate similar programs and activities within the budget and recommendations to Congress for legislative action to streamline, consolidate, or eliminate similar programs and activities within the budget;

(2) a detailed accounting of all funds received and obligated by each Federal agency for restoration activities during the current and preceding fiscal years, including the identification of funds that were transferred to a Chesapeake Bay State for restoration activities;

(3) to the extent that information is available, a detailed accounting from each State of all funds received and obligated from a Federal agency for restoration activities during the current and preceding fiscal years; and

(4) a description of each of the proposed Federal and State restoration activities to be carried out in the succeeding fiscal year (corresponding to those activities listed in subparagraphs (A) and (B) of paragraph (1)), including—

- (A) the project description;
- (B) the current status of the project;
- (C) the Federal or State statutory or regulatory authority, program, or responsible agency;
- (D) the authorization level for appropriations;
- (E) the project timeline, including benchmarks;
- (F) references to project documents;
- (G) descriptions of risks and uncertainties of project implementation;
- (H) a list of coordinating entities;
- (I) a description of the funding history for the project;

(J) cost sharing; and

(K) alignment with the existing Chesapeake Bay Agreement, Chesapeake Executive Council goals and priorities, and Annual Action Plan required by section 205 of Executive Order 13508 (33 U.S.C. 1267 note; relating to Chesapeake Bay protection and restoration).

(b) **MINIMUM FUNDING LEVELS.**—In describing restoration activities in the report required under subsection (a), the Director shall only include—

(1) for the first 3 years that the report is required, descriptions of—

(A) Federal restoration activities that have funding amounts greater than or equal to \$300,000; and

(B) State restoration activities that have funding amounts greater than or equal to \$300,000; and

(2) for every year thereafter, descriptions of—

(A) Federal restoration activities that have funding amounts greater than or equal to \$100,000; and

(B) State restoration activities that have funding amounts greater than or equal to \$100,000.

(c) **DEADLINE.**—The Director shall submit to Congress the report required by subsection (a) not later than September 30 of each year.

(d) **REPORT.**—Copies of the report required by subsection (a) shall be submitted to the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate.

(e) **EFFECTIVE DATE.**—This section shall apply beginning with the first fiscal year after the date of enactment of this Act.

#### SEC. 4. INDEPENDENT EVALUATOR FOR THE CHESAPEAKE BAY PROGRAM.

(a) IN GENERAL.—There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on—

- (1) restoration activities; and
- (2) any related topics that are suggested by the Chesapeake Executive Council.

(b) APPOINTMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of submission of nominees by the Chesapeake Executive Council, the Independent Evaluator shall be appointed by the Administrator from among nominees submitted by the Chesapeake Executive Council with the consultation of the scientific community.

(2) NOMINATIONS.—The Chesapeake Executive Council may nominate for consideration as Independent Evaluator a science-based institution of higher education.

(3) REQUIREMENTS.—The Administrator shall only select as Independent Evaluator a nominee that the Administrator determines demonstrates excellence in marine science, policy evaluation, or other studies relating to complex environmental restoration activities.

(c) REPORTS.—Not later than 180 days after the date of appointment and once every 2 years thereafter, the Independent Evaluator shall submit to Congress a report describing the findings and recommendations of reviews conducted under subsection (a).

#### SEC. 5. PROHIBITION ON NEW FUNDING.

No additional funds are authorized to be appropriated to carry out this Act.

**SA 3966.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2828, to impose sanctions with respect to the Russian Federation, to provide additional assistance to Ukraine, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Ukraine Freedom Support Act of 2014”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy regarding Ukraine.
- Sec. 4. Sanctions relating to the defense and energy sectors of the Russian Federation.
- Sec. 5. Sanctions on Russian and other foreign financial institutions.
- Sec. 6. Major non-NATO ally status for Ukraine, Georgia, and Moldova.
- Sec. 7. Increased military assistance for the Government of Ukraine.
- Sec. 8. Expanded nonmilitary assistance for Ukraine.
- Sec. 9. Expanded broadcasting in countries of the former Soviet Union.
- Sec. 10. Support for Russian democracy and civil society organizations.
- Sec. 11. Report on non-compliance by the Russian Federation of its obligations under the INF Treaty.
- Sec. 12. Rule of construction.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “account”, “correspondent account”, and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(3) DEFENSE ARTICLE; DEFENSE SERVICE; TRAINING.—The terms “defense article”, “defense service”, and “training” have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(4) FINANCIAL INSTITUTION.—The term “financial institution” means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning given that term in section 561.308 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(6) FOREIGN PERSON.—The term “foreign person” means any individual or entity that is not a United States citizen, a permanent resident alien, or an entity organized under the laws of the United States or any jurisdiction within the United States.

(7) KNOWINGLY.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) RUSSIAN PERSON.—The term “Russian person” means—

(A) an individual who is a citizen or national of the Russian Federation; or

(B) an entity organized under the laws of the Russian Federation.

(9) SPECIAL RUSSIAN CRUDE OIL PROJECT.—The term “special Russian crude oil project” means a project intended to extract crude oil from—

(A) the exclusive economic zone of the Russian Federation in waters more than 500 feet deep;

(B) Russian Arctic offshore locations; or

(C) shale formations located in the Russian Federation.

#### SEC. 3. STATEMENT OF POLICY REGARDING UKRAINE.

It is the policy of the United States to further assist the Government of Ukraine in restoring its sovereignty and territorial integrity to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Central and Eastern Europe, the Caucasus, and Central Asia. That policy shall be carried into effect, among other things, through a comprehensive effort, in coordination with allies and partners of the United States where appropriate, that includes economic sanctions, diplomacy, assistance for the people of Ukraine, and the provision of military capabilities to the Government of Ukraine that will enhance the ability of that Government to defend itself and to restore its sovereignty and territorial integrity in the face of unlawful actions by the Government of the Russian Federation.

#### SEC. 4. SANCTIONS RELATING TO THE DEFENSE AND ENERGY SECTORS OF THE RUSSIAN FEDERATION.

(a) SANCTIONS RELATING TO THE DEFENSE SECTOR.—

(1) ROSOBORONEXPORT.—Except as provided in subsection (d), not later than 30 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanctions described in subsection (c) with respect to Rosoboronexport.

(2) RUSSIAN PRODUCERS, TRANSFERORS, OR BROKERS OF DEFENSE ARTICLES.—Except as provided in subsection (d), on and after the date that is 45 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanctions described in

subsection (c) with respect to a foreign person the President determines—

(A) is an entity—

(i) owned or controlled by the Government of the Russian Federation or owned or controlled by nationals of the Russian Federation; and

(ii) that—

(I) knowingly manufactures or sells defense articles transferred into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country; or

(II) transfers defense articles into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country; or

(III) brokers or otherwise assists in the transfer of defense articles into Syria or into the territory of a specified country without the consent of the internationally recognized government of that country; or

(B) knowingly, on or after the date of the enactment of this Act, assists, sponsors, or provides financial, material, or technological support for, or goods or services to or in support of, an entity described in subparagraph (A) with respect to an activity described in clause (ii) of that subparagraph.

(3) SPECIFIED COUNTRY DEFINED.—

(A) IN GENERAL.—In this subsection, the term “specified country” means—

(i) Ukraine, Georgia, and Moldova; and

(ii) any other country designated by the President as a country of significant concern for purposes of this subsection, such as Poland, Lithuania, Latvia, Estonia, and the Central Asia republics.

(B) NOTICE TO CONGRESS.—The President shall notify the appropriate congressional committees in writing not later than 15 days before—

(i) designating a country as a country of significant concern under subparagraph (A)(i); or

(ii) terminating a designation under that subparagraph, including the termination of any such designation pursuant to subsection (h).

(b) SANCTIONS RELATED TO THE ENERGY SECTOR.—

(1) DEVELOPMENT OF SPECIAL RUSSIAN CRUDE OIL PROJECTS.—Except as provided in subsection (d), on and after the date that is 45 days after the date of the enactment of this Act, the President shall impose 3 or more of the sanctions described in subsection (c) with respect to a foreign person if the President determines that the foreign person knowingly makes a significant investment in a special Russian crude oil project.

(2) AUTHORIZATION FOR EXTENSION OF LICENSING LIMITATIONS ON CERTAIN EQUIPMENT.—The President, through the Bureau of Industry and Security of the Department of Commerce or the Office of Foreign Assets Control of the Department of the Treasury, as appropriate, may impose additional licensing requirements for or other restrictions on the export or reexport of items for use in the energy sector of the Russian Federation, including equipment used for tertiary oil recovery.

(3) CONTINGENT SANCTION RELATING TO GAZPROM.—If the President determines that Gazprom is withholding significant natural gas supplies from member countries of the North Atlantic Treaty Organization, or further withholds significant natural gas supplies from countries such as Ukraine, Georgia, or Moldova, the President shall, not later than 45 days after making that determination, impose the sanction described in subsection (c)(7) and at least one additional sanction described in subsection (c) with respect to Gazprom.

(c) SANCTIONS DESCRIBED.—The sanctions the President may impose with respect to a



foreign person under subsection (a) or (b) are the following:

(1) **EXPORT-IMPORT BANK ASSISTANCE.**—The President may direct the Export-Import Bank of the United States not to approve the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to the foreign person.

(2) **PROCUREMENT SANCTION.**—The President may prohibit the head of any executive agency (as defined in section 133 of title 41, United States Code) from entering into any contract for the procurement of any goods or services from the foreign person.

(3) **ARMS EXPORT PROHIBITION.**—The President may prohibit the exportation or provision by sale, lease or loan, grant, or other means, directly or indirectly, of any defense article or defense service to the foreign person and the issuance of any license or other approval to the foreign person under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(4) **DUAL-USE EXPORT PROHIBITION.**—The President may prohibit the issuance of any license and suspend any license for the transfer to the foreign person of any item the export of which is controlled under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) or the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) **PROPERTY TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(6) **BANKING TRANSACTIONS.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(7) **PROHIBITION ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.**—The President may, pursuant to such regulations as the President may prescribe, prohibit any United States person from transacting in, providing financing for, or otherwise dealing in—

(A) debt—

(i) of longer than 30 days' maturity of a foreign person with respect to which sanctions are imposed under subsection (a) or of longer than 90 days' maturity of a foreign person with respect to which sanctions are imposed under subsection (b); and

(ii) issued on or after the date on which such sanctions are imposed with respect to the foreign person; or

(B) equity of the foreign person issued on or after that date.

(8) **EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.**—In the case of a foreign person who is an individual, the President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, the foreign person, subject to regulatory exceptions to permit

the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(9) **SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.**—In the case of a foreign person that is an entity, the President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in this subsection applicable to individuals.

(d) **EXCEPTIONS.**—

(1) **IMPORTATION OF GOODS.**—

(A) **IN GENERAL.**—The authority to block and prohibit all transactions in all property and interests in property under subsection (c)(5) shall not include the authority to impose sanctions on the importation of goods.

(B) **GOOD DEFINED.**—In this paragraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(2) **ADDITIONAL EXCEPTIONS.**—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

(A) in the case of procurement of defense articles or defense services under existing contracts, subcontracts, or other business agreements, including ancillary or incidental contracts for goods, or for services or funding (including necessary financial services) associated with such goods, as necessary to give effect to such contracts, subcontracts, or other business agreements, and the exercise of options for production quantities to satisfy requirements essential to the national security of the United States—

(i) if the President determines in writing that—

(I) the foreign person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services;

(II) the defense articles or services are essential;

(III) alternative sources are not readily or reasonably available; and

(IV) the national interests of the United States would be adversely affected by the application or maintenance of such sanctions; or

(ii) if the President determines in writing that—

(I) such articles or services are essential to the national security under defense co-production agreements; and

(II) the national interests of the United States would be adversely affected by the application or maintenance of such sanctions;

(B) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

(C) to products, technology, or services provided under contracts, subcontracts, or other business agreements (including ancillary or incidental contracts for goods, or for services or funding (including necessary financial services) associated with such goods, as necessary to give effect to such contracts, subcontracts, or other business agreements) entered into before the date on which the President publishes in the Federal Register the name of the foreign person with respect to which the sanctions are to be imposed;

(D) to—

(i) spare parts that are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of United States products, to the extent that alternative sources are not readily or reasonably available;

(E) to information and technology essential to United States products or production; or

(F) to food, medicine, medical devices, or agricultural commodities (as those terms are defined in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511)).

(e) **NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The President may waive the application of sanctions under subsection (a) or (b) with respect to a foreign person if the President—

(A) determines that the waiver is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

(2) **FORM OF REPORT.**—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **TRANSACTION-SPECIFIC NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The President may waive the application of sanctions under subsection (a) or (b) with respect to a specific transaction if the President—

(A) determines that the transaction is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a detailed report on the determination and the specific reasons for the determination that a waiver with respect to the transaction is necessary and appropriate.

(2) **FORM OF REPORT.**—The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) **IMPLEMENTATION; PENALTIES.**—

(1) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out the purposes of this section.

(2) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, or conspires to violate, or causes a violation of, subsection (a) or (b) of this section, or an order or regulation prescribed under either such subsection, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of the International Emergency Economic Powers Act.

(h) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section, and sanctions imposed under this section, shall terminate on the date on which the President submits to the appropriate congressional committees a certification that the Government of the Russian Federation has ceased ordering, controlling, or otherwise directing, supporting, or financing, significant acts intended to undermine the peace, security, stability, sovereignty, or territorial integrity of Ukraine, including through an agreement between the appropriate parties.

(2) **APPLICABILITY WITH RESPECT TO SYRIA.**—The termination date under paragraph (1)

shall not apply with respect to the provisions of subsection (a) relating to the transfer of defense articles into Syria or sanctions imposed pursuant to such provisions.

#### SEC. 5. SANCTIONS ON RUSSIAN AND OTHER FOREIGN FINANCIAL INSTITUTIONS.

(a) **FACILITATION OF CERTAIN DEFENSE- AND ENERGY-RELATED TRANSACTIONS.**—The President may impose the sanction described in subsection (c) with respect to a foreign financial institution that the President determines knowingly engages, on or after the date of the enactment of this Act, in significant transactions involving activities described in subparagraph (A)(i) or (B) of section 4(a)(2) or paragraph (1) or (3) of section 4(b) for persons with respect to which sanctions are imposed under section 4.

(b) **FACILITATION OF FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**—The President may impose the sanction described in subsection (c) with respect to a foreign financial institution if the President determines that the foreign financial institution has, on or after the date that is 180 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Russian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, pursuant to—

(1) this Act;

(2) Executive Order 13660 (79 Fed. Reg. 13,493), 13661 (79 Fed. Reg. 15,535), or 13662 (79 Fed. Reg. 16,169); or

(3) any other executive order addressing the crisis in Ukraine.

(c) **SANCTION DESCRIBED.**—The sanction described in this subsection is, with respect to a foreign financial institution, a prohibition on the opening, and a prohibition or the imposition of strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by the foreign financial institution.

(d) **NATIONAL SECURITY WAIVER.**—The President may waive the application of sanctions under this section with respect to a foreign financial institution if the President—

(1) determines that the waiver is in the national security interest of the United States; and

(2) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

(e) **IMPLEMENTATION; PENALTIES.**—

(1) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out the purposes of this section.

(2) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, or conspires to violate, or causes a violation of, subsection (a) or (b) of this section, or an order or regulation prescribed under either such subsection, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of the International Emergency Economic Powers Act.

(f) **TERMINATION.**—This section, and sanctions imposed under this section, shall terminate on the date on which the President submits to the appropriate congressional committees the certification described in section 4(h).

#### SEC. 6. MAJOR NON-NATO ALLY STATUS FOR UKRAINE, GEORGIA, AND MOLDOVA.

Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) is amended by adding at the end the following:

“(c) **ADDITIONAL DESIGNATIONS.**—

“(1) **IN GENERAL.**—Effective on the date of the enactment of the Ukraine Freedom Support Act of 2014, Ukraine, Georgia, and Moldova are each designated as a major non-NATO ally for purposes of this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(2) **NOTICE OF TERMINATION OF DESIGNATION.**—The President shall notify Congress in accordance with subsection (a)(2) before terminating the designation of a country specified in paragraph (1).”.

#### SEC. 7. INCREASED MILITARY ASSISTANCE FOR THE GOVERNMENT OF UKRAINE.

(a) **IN GENERAL.**—The President is authorized to provide defense articles, defense services, and training to the Government of Ukraine for the purpose of countering offensive weapons and reestablishing the sovereignty and territorial integrity of Ukraine, including anti-tank and anti-armor weapons, crew weapons and ammunition, counter-artillery radars to identify and target artillery batteries, fire control, range finder, and optical and guidance and control equipment, tactical troop-operated surveillance drones, and secure command and communications equipment, pursuant to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), and other relevant provisions of law.

(b) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report detailing the anticipated defense articles, defense services, and training to be provided pursuant to this section and a timeline for the provision of such defense articles, defense services, and training, to—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Armed Services of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Armed Services of the House of Representatives.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of State \$100,000,000 for fiscal year 2015, \$125,000,000 for fiscal year 2016, and \$125,000,000 for fiscal year 2017 to carry out activities under this section.

(2) **AVAILABILITY OF AMOUNTS.**—Amounts authorized to be appropriated pursuant to paragraph (1) shall remain available for obligation and expenditure through the end of fiscal year 2018.

(d) **AUTHORITY FOR THE USE OF FUNDS.**—The funds made available pursuant to subsection (c) for provision of defense articles, defense services, and training may be used to procure such articles, services, and training from the United States Government or other appropriate sources.

(e) **PROTECTION OF CIVILIANS.**—It is the sense of Congress that the Government of Ukraine should take all appropriate steps to protect civilians.

#### SEC. 8. EXPANDED NONMILITARY ASSISTANCE FOR UKRAINE.

(a) **ASSISTANCE TO INTERNALLY DISPLACED PEOPLE IN UKRAINE.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a plan, including actions by the United States Government, other governments, and international organizations, to meet the need for protection of and assistance for internally displaced persons in Ukraine, to—

(A) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives.

(2) **ELEMENTS.**—The plan required by paragraph (1) should include, as appropriate, activities in support of—

(A) helping to establish a functional and adequately resourced central registration system in Ukraine that can ensure coordination of efforts to provide assistance to internally displaced persons in different regions;

(B) encouraging adoption of legislation in Ukraine that protects internally displaced persons from discrimination based on their status and provides simplified procedures for obtaining the new residency registration or other official documentation that is a prerequisite to receiving appropriate social payments under the laws of Ukraine, such as pensions and disability, child, and unemployment benefits; and

(C) helping to ensure that information is available to internally displaced persons about—

(i) government agencies and independent groups that can provide assistance to such persons in various regions; and

(ii) evacuation assistance available to persons seeking to flee armed conflict areas.

(3) **ASSISTANCE THROUGH INTERNATIONAL ORGANIZATIONS.**—The President shall instruct the United States permanent representative or executive director, as the case may be, to the relevant United Nations voluntary agencies, including the United Nations High Commissioner for Refugees and the United Nations Office for the Coordination of Humanitarian Affairs, and other appropriate international organizations, to use the voice and vote of the United States to support appropriate assistance for internally displaced persons in Ukraine.

(b) **ASSISTANCE TO THE DEFENSE SECTOR OF UKRAINE.**—The Secretary of State and the Secretary of Defense should assist entities in the defense sector of Ukraine to reorient exports away from customers in the Russian Federation and to find appropriate alternative markets for those entities in the defense sector of Ukraine that have already significantly reduced exports to and cooperation with entities in the defense sector of the Russian Federation.

(c) **ASSISTANCE TO ADDRESS THE ENERGY CRISIS IN UKRAINE.**—

(1) **EMERGENCY ENERGY ASSISTANCE.**—

(A) **PLAN REQUIRED.**—The Secretary of State and the Secretary of Energy, in collaboration with the Administrator of the United States Agency for International Development and the Administrator of the Federal Emergency Management Agency, shall work with officials of the Government of Ukraine to develop a short-term emergency energy assistance plan designed to help Ukraine address the potentially severe short-term heating fuel and electricity shortages facing Ukraine in 2014 and 2015.

(B) **ELEMENTS.**—The plan required by subparagraph (A) should include strategies to address heating fuel and electricity shortages in Ukraine, including, as appropriate—

(i) the acquisition of short-term, emergency fuel supplies;

(ii) the repair or replacement of infrastructure that could impede the transmission of electricity or transportation of fuel;

(iii) the prioritization of the transportation of fuel supplies to the areas where such supplies are needed most;

(iv) streamlining emergency communications throughout national, regional, and local governments to manage the potential

energy crisis resulting from heating fuel and electricity shortages;

(v) forming a crisis management team within the Government of Ukraine to specifically address the potential crisis, including ensuring coordination of the team's efforts with the efforts of outside governmental and nongovernmental entities providing assistance to address the potential crisis; and

(vi) developing a public outreach strategy to facilitate preparation by the population and communication with the population in the event of a crisis.

(C) ASSISTANCE.—The Secretary of State, the Secretary of Energy, and the Administrator of the United States Agency for International Development are authorized to provide assistance in support of, and to invest in short-term solutions for, enabling Ukraine to secure the energy safety of the people of Ukraine during 2014 and 2015, including through—

(i) procurement and transport of emergency fuel supplies, including reverse pipeline flows from Europe;

(ii) provision of technical assistance for crisis planning, crisis response, and public outreach;

(iii) repair of infrastructure to enable the transport of fuel supplies;

(iv) repair of power generating or power transmission equipment or facilities;

(v) procurement and installation of compressors or other appropriate equipment to enhance short-term natural gas production;

(vi) procurement of mobile electricity generation units;

(vii) conversion of natural gas heating facilities to run on other fuels, including alternative energy sources; and

(viii) provision of emergency weatherization and winterization materials and supplies.

(2) REDUCTION OF UKRAINE'S RELIANCE ON ENERGY IMPORTS.—

(A) PLANS REQUIRED.—The Secretary of State, in collaboration with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall work with officials of the Government of Ukraine to develop medium- and long-term plans to increase energy production and efficiency to increase energy security by helping Ukraine reduce its dependence on natural gas imported from the Russian Federation.

(B) ELEMENTS.—The medium- and long-term plans required by subparagraph (A) should include strategies, as appropriate, to—

(i) improve corporate governance and unbundling of state-owned oil and gas sector firms;

(ii) increase production from natural gas fields and from other sources, including renewable energy;

(iii) license new oil and gas blocks transparently and competitively;

(iv) modernize oil and gas upstream infrastructure; and

(v) improve energy efficiency.

(C) PRIORITIZATION.—The Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Energy should, during fiscal years 2015 through 2018, work with other donors, including multilateral agencies and nongovernmental organizations, to prioritize, to the extent practicable and as appropriate, the provision of assistance from such donors to help Ukraine to improve energy efficiency, increase energy supplies produced in Ukraine, and reduce reliance on energy imports from the Russian Federation, including natural gas.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$50,000,000 in the aggregate for fiscal years

2016 through 2018 to carry out activities under this paragraph.

(3) SUPPORT FROM THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—The Overseas Private Investment Corporation shall—

(A) prioritize, to the extent practicable, support for investments to help increase energy efficiency, develop domestic oil and natural gas reserves, improve and repair electricity infrastructure, and develop renewable and other sources of energy in Ukraine; and

(B) implement procedures for expedited review and, as appropriate, approval, of applications by eligible investors (as defined in section 238 of the Foreign Assistance Act of 1961 (22 U.S.C. 2198)) for loans, loan guarantees, and insurance for such investments.

(4) SUPPORT BY THE WORLD BANK GROUP AND THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.—The President shall, to the extent practicable and as appropriate, direct the United States Executive Directors of the World Bank Group and the European Bank for Reconstruction and Development to use the voice, vote, and influence of the United States to encourage the World Bank Group and the European Bank for Reconstruction and Development and other international financial institutions—

(A) to invest in, and increase their efforts to promote investment in, projects to improve energy efficiency, improve and repair electricity infrastructure, develop domestic oil and natural gas reserves, and develop renewable and other sources of energy in Ukraine; and

(B) to stimulate private investment in such projects.

(d) ASSISTANCE TO CIVIL SOCIETY IN UKRAINE.—

(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development shall, directly or through nongovernmental or international organizations, such as the Organization for Security and Co-operation in Europe, the National Endowment for Democracy, and related organizations—

(A) strengthen the organizational and operational capacity of democratic civil society in Ukraine;

(B) support the efforts of independent media outlets to broadcast, distribute, and share information in all regions of Ukraine;

(C) counter corruption and improve transparency and accountability of institutions that are part of the Government of Ukraine; and

(D) provide support for democratic organizing and election monitoring in Ukraine.

(2) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities described in paragraph (1) to—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$20,000,000 for fiscal year 2016 to carry out this subsection.

(4) TRANSPARENCY REQUIREMENTS.—Any assistance provided pursuant to this subsection shall be conducted in as transparent a manner as possible, consistent with the nature and goals of this subsection. The President shall provide a briefing on the activities funded by this subsection at the request of the committees specified in paragraph (2).

## SEC. 9. EXPANDED BROADCASTING IN COUNTRIES OF THE FORMER SOVIET UNION.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Broadcasting Board of Governors shall submit to Congress a plan, including a cost estimate, for immediately and substantially increasing, and maintaining through fiscal year 2017, the quantity of Russian-language broadcasting into the countries of the former Soviet Union funded by the United States in order to counter Russian Federation propaganda.

(b) PRIORITIZATION OF BROADCASTING INTO UKRAINE, GEORGIA, AND MOLDOVA.—The plan required by subsection (a) shall prioritize broadcasting into Ukraine, Georgia, and Moldova by the Voice of America and Radio Free Europe/Radio Liberty.

(c) ADDITIONAL PRIORITIES.—In developing the plan required by subsection (a), the Chairman shall consider—

(1) near-term increases in Russian-language broadcasting for countries of the former Soviet Union (other than the countries specified in subsection (b)), including Latvia, Lithuania, and Estonia; and

(2) increases in broadcasting in other critical languages, including Ukrainian and Romanian languages.

(d) BROADCASTING DEFINED.—In this section, the term “broadcasting” means the distribution of media content via radio broadcasting, television broadcasting, and Internet-based platforms, among other platforms.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Broadcasting Board of Governors \$10,000,000 for each of fiscal years 2016 through 2018 to carry out activities under this section.

(2) SUPPLEMENT NOT SUPPLANT.—Amounts authorized to be appropriated pursuant to paragraph (1) shall supplement and not supplant other amounts made available for activities described in this section.

## SEC. 10. SUPPORT FOR RUSSIAN DEMOCRACY AND CIVIL SOCIETY ORGANIZATIONS.

(a) IN GENERAL.—The Secretary of State shall, directly or through nongovernmental or international organizations, such as the Organization for Security and Co-operation in Europe, the National Endowment for Democracy, and related organizations—

(1) improve democratic governance, transparency, accountability, rule of law, and anti-corruption efforts in the Russian Federation;

(2) strengthen democratic institutions and political and civil society organizations in the Russian Federation;

(3) expand uncensored Internet access in the Russian Federation; and

(4) expand free and unfettered access to independent media of all kinds in the Russian Federation, including through increasing United States Government-supported broadcasting activities, and assist with the protection of journalists and civil society activists who have been targeted for free speech activities.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$20,000,000 for each of fiscal years 2016 through 2018 to carry out the activities set forth in subsection (a).

(c) STRATEGY REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a strategy to carry out the activities set forth in subsection (a) to—

(1) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(d) **TRANSPARENCY REQUIREMENTS.**—Any assistance provided pursuant to this section shall be conducted in as transparent of a manner as possible, consistent with the nature and goals of this section. The President shall provide a briefing on the activities funded by this section at the request of the committees specified in subsection (c).

**SEC. 11. REPORT ON NON-COMPLIANCE BY THE RUSSIAN FEDERATION OF ITS OBLIGATIONS UNDER THE INF TREATY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Russian Federation is in violation of its obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988 (commonly referred to as the “Intermediate-Range Nuclear Forces Treaty” or “INF Treaty”).

(2) This behavior poses a threat to the United States, its deployed forces, and its allies.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President should hold the Russian Federation accountable for being in violation of its obligations under the INF Treaty; and

(2) the President should demand the Russian Federation completely and verifiably eliminate the military systems that constitute the violation of its obligations under the INF Treaty.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the committees specified in subsection (d) a report that includes the following elements:

(A) A description of the status of the President's efforts, in cooperation with United States allies, to hold the Russian Federation accountable for being in violation of its obligations under the INF Treaty and obtain the complete and verifiable elimination of its military systems that constitute the violation of its obligations under the INF Treaty.

(B) The President's assessment as to whether it remains in the national security interests of the United States to remain a party to the INF Treaty, and other related treaties and agreements, while the Russian Federation is in violation of its obligations under the INF Treaty.

(C) Notification of any deployment by the Russian Federation of a ground launched ballistic or cruise missile system with a range of between 500 and 5,500 kilometers.

(D) A plan developed by the Secretary of State, in consultation with the Director of National Intelligence and the Defense Threat Reduction Agency (DTRA), to verify that the Russian Federation has fully and completely dismantled any ground launched cruise missiles or ballistic missiles with a range of between 500 and 5,500 kilometers, including details on facilities that inspectors need access to, people inspectors need to talk with, how often inspectors need the accesses for, and how much the verification regime would cost.

(2) **FORM.**—The report required under paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(d) **COMMITTEES SPECIFIED.**—The committees specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Per-

manent Select Committee on Intelligence of the House of Representatives.

**SEC. 12. RULE OF CONSTRUCTION.**

Nothing in this Act or an amendment made by this Act shall be construed as an authorization for the use of military force.

**SA 3967.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 535. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) **IN GENERAL.**—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2017. Requirement to use human-based methods for certain medical training**

“(a) **COMBAT TRAUMA INJURIES.**—(1) Not later than October 1, 2017, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

“(2) Not later than October 1, 2019, the Secretary—

“(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(B) may not use animals for such purpose.

“(b) **EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.**—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

“(c) **ANNUAL REPORTS.**—(1) Not later than October 1, 2016, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live-animal based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2019, shall include a description of any exemption under subsection (b) that is in force as the time of such report, and a current justification for such exemption.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;

“(B) tension pneumothorax;

“(C) amputation resulting from blast injury;

“(D) compromises to the airway; and

“(E) other injuries.

“(2) The term ‘human-based training methods’ means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

“(A) simulators;

“(B) partial task trainers;

“(C) moulage;

“(D) simulated combat environments;

“(E) human cadavers; and

“(F) rotations in civilian and military trauma centers.

“(3) The term ‘partial task trainers’ means training aids that allow individuals to learn or practice specific medical procedures.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

“2017. Requirement to use human-based methods for certain medical training.”.

**SA 3968.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1087. CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

(a) **IN GENERAL.**—Section 3301(1)(B) of title 38, United States Code, is amended by inserting “12301(h),” after “12301(g),”.

(b) **RETROACTIVE APPLICATION.**—The amendment made by subsection (a) shall apply as if such amendment were enacted immediately after the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110-252).

**SA 3969.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1087. CONSIDERATION BY SECRETARY OF VETERANS AFFAIRS OF RESOURCES DISPOSED OF FOR LESS THAN FAIR MARKET VALUE BY INDIVIDUALS APPLYING FOR PENSION.**

(a) **VETERANS.**—Section 1522 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a veteran otherwise eligible for payment of pension under section 1513 or 1521 of this title or the spouse of such veteran disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such veteran under section 1513 or 1521 of this title, as the case may

be, for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran’s spouse, that the Secretary considers that under all the circumstances, if the veteran or spouse had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the veteran’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the veteran or, if the veteran has a spouse, the corpus of the estates of the veteran and of the veteran’s spouse, that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the veteran’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the veteran applies for pension under section 1513 or 1521 of this title or, if later, the date on which the veteran (or the spouse of the veteran) disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of covered resources so disposed of by the veteran (or the spouse of the veteran) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the veteran’s maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a veteran under section 1513 or 1521 of this title, including the maximum amount of increased pension payable under such sections on account of family members, but not including any amount of pension payable under such sections because a veteran is in need of regular aid and attendance or is permanently housebound,

rounded down, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”;

(2) in subsection (b)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a veteran otherwise eligible for payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, the spouse of the veteran, or the child disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue payment of such increased pension for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child that the Secretary considers that under all the circumstances, if the veteran, the spouse of the veteran, or the child had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the child that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the veteran applies for payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child or, if later, the date on which the veteran, the spouse of the veteran, or the child disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of the covered resources so disposed of by the veteran, the spouse of the veteran, or the child on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child’s maintenance; divided by

“(ii) the maximum amount of increased monthly pension that is payable to a veteran under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, rounded down, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”; and

(3) by adding at the end the following new subsection:

“(c)(1)(A) The Secretary shall not deny or discontinue payment of pension under section 1513 or 1521 of this title or payment of increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child by reason of the application of subsection (a)(2) or (b)(2) of this section to the disposal of resources by an individual—

“(i) if—

“(I) a satisfactory showing is made to the Secretary (in accordance with regulations promulgated by the Secretary) that all resources disposed of for less than fair market value have been returned to the individual who disposed of the resources; or

“(II) the Secretary determines, under procedures established by the Secretary in accordance with subparagraph (B), that the denial or discontinuance of payment would work an undue hardship; or

“(ii) to the extent that any portion of the resources disposed of for less than fair market value have been returned to the individual who disposed of the resources.

“(B) Undue hardship would be worked by the denial or discontinuance of payment for purposes of subparagraph (A)(i)(II) if the denial or discontinuance of payment would deprive the individual during the period of denial or discontinuance—

“(i) of medical care such that the individual’s life or health would be endangered;

“(ii) of necessary food or clothing, or other necessities of life; or

“(iii) on such other basis as the Secretary shall specify in the procedures required by subparagraph (A)(i)(II).

“(C) If payment of pension or increased pension that would otherwise be denied or discontinued by reason of the application of subsection (a)(2) or (b)(2) is denied or discontinued only in part by reason of the return of resources as described in subparagraph (A)(ii), the period of the denial or discontinuance as determined pursuant to subparagraph (E) of subsection (a)(2) or (b)(2), as applicable, shall be recalculated to take into account such return of resources.

“(2) At the time a veteran applies for pension under section 1513 or 1521 of this title or increased pension under subsection (c), (d), (e), or (f) of section 1521 of this title on account of a child, and at such other times as the Secretary considers appropriate, the Secretary shall—

“(A) inform such veteran of the provisions of subsections (a)(2) and (b)(2) providing for a period of ineligibility for payment of pension under such sections for individuals who make certain dispositions of resources for less than fair market value, including the exception for hardship from such period of ineligibility;

“(B) obtain from such veteran information which may be used in determining whether or not a period of ineligibility for such payments would be required by reason of such subsections; and

“(C) provide such veteran a timely process for determining whether or not the exception for hardship shall apply to such veteran.”.

(b) SURVIVING SPOUSES AND CHILDREN.—Section 1543 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) If a surviving spouse otherwise eligible for payment of pension under section 1541 of this title disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such surviving spouse under section 1541 of this title for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the surviving spouse that the Secretary considers that under all the circumstances, if the surviving spouse had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the surviving spouse’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the surviving spouse that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the surviving spouse’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the surviving spouse applies for pension under section 1541 of this

title or, if later, the date on which the surviving spouse disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this subparagraph shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of the covered resources so disposed of by the surviving spouse on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the surviving spouse’s maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a surviving spouse under section 1541 of this title, including the maximum amount of increased pension payable under such section on account of a child, but not including any amount of pension payable under such section because a surviving spouse is in need of regular aid and attendance or is permanently housebound, rounded down, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”;

(C) by adding at the end the following new paragraph:

“(4)(A) If a surviving spouse otherwise eligible for payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child or the child disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue payment of such increased pension for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child that the Secretary considers that under all the circumstances, if the surviving spouse or the child had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate of the child that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the surviving spouse applies for payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child or, if later, the date on which the surviving spouse (or the child) disposes of covered resources for less than fair market value.

“(D) The date described in this subparagraph is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this clause shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of the covered resources

so disposed of by the surviving spouse (or the child) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child’s maintenance; divided by

“(ii) the maximum amount of increased monthly pension that is payable to a surviving spouse under subsection (c), (d), or (e) of section 1541 of this title on account of a child,

rounded down, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”;

(2) in subsection (b)—

(A) by inserting “(1)” before “The Secretary”; and

(B) by adding at the end the following new paragraph:

“(2)(A) If a child otherwise eligible for payment of pension under section 1542 of this title or any person with whom such child is residing who is legally responsible for such child’s support disposes of covered resources for less than fair market value on or after the look-back date described in subparagraph (C)(i), the Secretary shall deny or discontinue the payment of pension to such child under section 1542 of this title for months during the period beginning on the date described in subparagraph (D) and equal to the number of months calculated as provided in subparagraph (E).

“(B)(i) For purposes of this paragraph, a covered resource is any resource that was a part of the corpus of the estate of the child or the corpus of the estate of any person with whom such child is residing who is legally responsible for such child’s support that the Secretary considers that under all the circumstances, if the child or person had not disposed of such resource, it would be reasonable that the resource (or some portion of the resource) be consumed for the child’s maintenance.

“(ii) For purposes of this paragraph, the Secretary may consider, in accordance with regulations the Secretary shall prescribe, a transfer of an asset (including a transfer of an asset to an annuity, trust, or other financial instrument or investment) a disposal of a covered resource for less than fair market value if such transfer reduces the amount in the corpus of the estate described in clause (i) that the Secretary considers, under all the circumstances, would be reasonable to be consumed for the child’s maintenance.

“(C)(i) The look-back date described in this clause is a date that is 36 months before the date described in clause (ii).

“(ii) The date described in this clause is the date on which the child applies for pension under section 1542 of this title or, if later, the date on which the child (or person described in subparagraph (B)) disposes of covered resources for less than fair market value.

“(D) The date described in this clause is the first day of the first month in or after which covered resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(E) The number of months calculated under this clause shall be equal to—

“(i) the total, cumulative uncompensated value of the portion of the covered resources so disposed of by the child (or person described in subparagraph (B)) on or after the look-back date described in subparagraph (C)(i) that the Secretary determines would reasonably have been consumed for the child’s maintenance; divided by

“(ii) the maximum amount of monthly pension that is payable to a child under section 1542 of this title,

rounded down, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.”; and

(3) by adding at the end the following new subsection:

“(c)(1)(A) The Secretary shall not deny or discontinue payment of pension under section 1541 or 1542 of this title or payment of increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child by reason of the application of subsection (a)(2), (a)(4), or (b)(2) of this section to the disposal of resources by an individual—

“(i) if—

“(I) a satisfactory showing is made to the Secretary (in accordance with regulations promulgated by the Secretary) that all resources disposed of for less than fair market value have been returned to the individual who disposed of the resources; or

“(II) the Secretary determines, under procedures established by the Secretary in accordance with subparagraph (B), that the denial or discontinuance of payment would work an undue hardship; or

“(ii) to the extent that any portion of the resources disposed of for less than fair market value have been returned to the individual who disposed of the resources.

“(B) Undue hardship would be worked by the denial or discontinuance of payment for purposes of subparagraph (A)(i)(II) if the denial or discontinuance of payment would deprive the individual during the period of denial or discontinuance—

“(i) of medical care such that the individual’s life or health would be endangered;

“(ii) of necessary food or clothing, or other necessities of life; or

“(iii) on such other basis as the Secretary shall specify in the procedures required by subparagraph (A)(i)(II).

“(C) If payment of pension or increased pension that would otherwise be denied or discontinued by reason of the application of subsection (a)(2), (a)(4), or (b)(2) is denied or discontinued only in part by reason of the return of resources as described in subparagraph (A)(ii), the period of the denial or discontinuance as determined pursuant to subparagraph (E) of subsection (a)(2), (a)(4), or (b)(2), as applicable, shall be recalculated to take into account such return of resources.

“(2) At the time a surviving spouse or child applies for pension under section 1541 or 1542 of this title or increased pension under subsection (c), (d), or (e) of section 1541 of this title on account of a child, and at such other times as the Secretary considers appropriate, the Secretary shall—

“(A) inform such surviving spouse or child of the provisions of subsections (a)(2), (a)(4), and (b)(2), as applicable, providing for a period of ineligibility for payment of pension or increased pension under such sections for individuals who make certain dispositions of resources for less than fair market value, including the exception for hardship from such period of ineligibility;

“(B) obtain from such surviving spouse or child information which may be used in determining whether or not a period of ineligibility for such payments would be required by reason of such subsections; and

“(C) provide such surviving spouse or child a timely process for determining whether or not the exception for hardship shall apply to such surviving spouse or child.”.

(c) EFFECTIVE DATE.—Subsections (a)(2), (b)(2), and (c) of section 1522 of title 38, United States Code, as added by subsection (a), and subsections (a)(2), (a)(4), (b)(2), and (c) of section 1543 of such title, as added by subsection (b), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to payments of pension and increased pension applied for after such date and to payments of pension and increased pension for which eligibility is redetermined after such



date, except that no reduction in pension shall be made under such subsections because of any disposal of covered resources made before such date.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 900 days after the date of the enactment of this Act and not less frequently than once each year thereafter through 2018, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the administration of subsections (a)(2), (b)(2), and (c) of section 1522 of title 38, United States Code, as added by subsection (a), and subsections (a)(2), (a)(4), (b)(2), and (c) of section 1543 of such title, as added by subsection (b), during the most recent 12-month period.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following, for the period covered by the report:

(A) The number of individuals who applied for pension under chapter 15 of such title.

(B) The number of individuals who received pension under such chapter.

(C) The number of individuals with respect to whom the Secretary denied or discontinued payment of pension under the subsections referred to in paragraph (1).

(D) A description of any trends identified by the Secretary regarding pension payments that have occurred as a result of the amendments made by this section.

(E) Such other information as the Secretary considers appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Select Committee on Aging of the Senate; and

(B) the Committee on Veterans’ Affairs of the House of Representatives.

**SA 3970.** Mr. WYDEN (for himself, Mr. SCOTT, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1087. PROHIBITION ON CLOSURE OF CERTAIN COAST GUARD FACILITIES.**

(a) PROHIBITION.—The Coast Guard may not—

(1) close a Coast Guard air facility that was in operation on November 30, 2014;

(2) retire an aviation asset from an air facility described in paragraph (1); or

(3) transfer an aviation asset from an air facility described in paragraph (1), except as provided in subsection (b).

(b) EMERGENCY TRANSFER AUTHORITY.—Notwithstanding subsection (a)(3), the Coast Guard may temporarily relocate an aviation asset for not more than 30 days in the event of an emergency, after providing notice of the pending temporary relocation to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) SUNSET.—This section is repealed effective January 1, 2016.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 2, 2014, at 9:30 a.m.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 2, 2014, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building to conduct a hearing entitled, “Addressing Domestic Violence in Professional Sports.”

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

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 2, 2014, at 2:15 p.m. in room SD-406 of the Dirksen Senate Office Building.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 2, 2014, at 2:30 p.m.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on December 2, 2014, at 9:30 a.m. in room SD-430 of the Dirksen Senate Office Building.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 2, 2014, at 3 p.m.

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

**SUBCOMMITTEE ON WATER AND WILDLIFE**

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 2, 2014, at 9:30 a.m., in room SD-406 of the Dirksen Senate Office Building, to conduct a hearing entitled, “Innovation and the Utilities of the Future: How Local Water Treatment Facilities are Leading the Way to Better Manage Wastewater and Water Supplies.”

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

**ADDING EBOLA TO THE FDA PRIORITY REVIEW VOUCHER PROGRAM ACT**

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 602, S. 2917.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2917) to expand the program of priority review to encourage treatments for tropical diseases.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (S. 2917) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2917

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Adding Ebola to the FDA Priority Review Voucher Program Act”.

**SEC. 2. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.**

Section 524 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n) is amended—

(1) in subsection (a)(3)—

(A) by redesignating subparagraph (Q) as subparagraph (R);

(B) by inserting after subparagraph (P) the following:

“(Q) Filoviruses.”; and

(C) in subparagraph (R), as so redesignated, by striking “regulation by” and inserting “order of”; and

(2) in subsection (b)—

(A) in paragraph (2), by adding “There is no limit on the number of times a priority review voucher may be transferred before such voucher is used.” after the period at the end; and

(B) in paragraph (4), by striking “365 days” and inserting “90 days”.

**MEASURE READ THE FIRST TIME—S. 2970**

Mr. REID. It is my understanding that S. 2970 is due for its first reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2970) to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

**BILL WILLIAMS RIVER WATER RIGHTS SETTLEMENT ACT OF 2014**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4924, which is at the desk.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4924) to direct the Secretary of the Interior to enter into the Big Sandy River-Planet Ranch Water Rights Settlement Agreement and the Hualapai Tribe Bill Williams River Water Rights Settlement Agreement, to provide for the lease of certain land located within Planet Ranch on the Bill Williams River in the State of Arizona to benefit the Lower Colorado River Multi-Species Conservation Program, and to provide for the settlement of specific water rights claims in the Bill Williams River watershed in the State of Arizona.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (H.R. 4924) was ordered to a third reading, was read the third time, and passed.

**ORDERS FOR WEDNESDAY,  
DECEMBER 3, 2014**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, December 3, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate resume executive session and consideration of the Burrows nomination, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees.

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

**PROGRAM**

Mr. REID. For the information of all Senators, there will be five rollcall votes at 10 a.m. tomorrow morning on the confirmation of the Burrows and Lopez nominations and cloture on the Hale, Kearney, and Pappert nomina-

tions. Another series of votes, as many as six, will occur at 5:30 p.m.

**ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW**

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Wednesday, December 3, 2014, at 9:30 a.m.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate December 2, 2014:

**DEPARTMENT OF STATE**

COLLEEN BRADLEY BELL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO HUNGARY.

**DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT**

NANI A. COLORETTI, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

**DEPARTMENT OF STATE**

NOAH BRYSON MAMET, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARGENTINE REPUBLIC.

**CONSUMER PRODUCT SAFETY COMMISSION**

ROBERT S. ADLER, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2014.