

budgetary priorities in this appropriations bill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KERRY. Mr. President, we are where in the legislative process now?

The PRESIDING OFFICER. Legislative session.

HIGGINBOTTOM NOMINATION

Mr. KERRY. Mr. President, I wish to say a few words, if I may, about the nominee whom we are about to vote on.

I strongly support the nomination of Heather Higginbottom to be the Deputy Director of the Office of Management and Budget.

It has been more than 12 years since Heather first came to work for me in the Senate as a senior legislative assistant, and later she became my legislative director and top policy aide. In all those years on the Hill, I want to assure my colleagues who are thinking about this position that she stood out not just for her policy knowledge and her understanding of the budget and the legislative process but for her ability to work across the aisle.

I know a lot of colleagues are anxious to confirm people who come not with partisan intent but with the ability to try to get things done in Washington. Believe me, Heather has that ability.

She worked with me and developed my proposal a number of years ago for a constitutional line-item veto—a proposal which now has many bipartisan supporters in the Senate. I also saw firsthand her instinct to put aside ideology and to go after waste, to push for tough-minded budget reforms, all of which protected the taxpayers' interests. She worked with me through seven budget cycles, and I am pleased to say, as many Members remember, we balanced the budget back in those years. So I think she comes with an experience of understanding what the tough choices are that can help to improve our fiscal situation now.

I came to know somebody who worked diligently and looked at the budget with a critical eye. When Jack Lew announced Heather's nomination, he said she was known for her "dedication to sound public policy that makes a difference in people's lives."

Health care, technology, poverty, education, infrastructure—for every single one of these priorities, she will look at them to determine whether the current policies are working, whether there are ways we could do things more effectively, and whether the American taxpayer is getting what they deserve in return for their investment. For all those efforts, I think Jack Lew could not have chosen a stronger or more competent Deputy.

For all of those efforts, I think Jack Lew could not have chosen a stronger or a more competent deputy. I hope my colleagues will support her nomination.

EXECUTIVE SESSION

NOMINATION OF HEATHER A. HIGGINBOTTOM TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

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

The bill clerk read the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

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

Mr. KERRY. Mr. President, I reserve my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I reserve the time we have.

Mr. KERRY. It is my understanding that under the order, this is the time for the debate. Is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KERRY. If the time is not about to be used, it will be tallied?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I suggest we yield it back mutually or someone speaks.

Ms. COLLINS. Mr. President, Senator SESSIONS is on his way to the floor. He does have reservations about the nominee. I think it would be courteous, since we know he is on his way, to delay just for a couple of moments so he could make his comments.

The PRESIDING OFFICER. Is there objection to Senator COLLINS' request?

Mr. KERRY. I am always in favor of extending courtesies. I think it is important to do that. But I would just reserve, if I can, therefore, that we might wait until the Senator is here and have those 2 minutes used at that time.

I will suggest the absence of a quorum until the Senator is here, at which time we will have 2 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, we are now considering the nomination of Heather Higginbottom to be Deputy Director of the Office of Management and Budget. We need to confirm this nominee.

The Deputy Director position has been vacant for 19 months. The Senate received Ms. Higginbottom's nomination papers in January, and she was reported favorably out of both the Budget and Government Affairs Committees in the spring.

Ms. Higginbottom is fully qualified for this position. She served as Deputy Assistant to the President and Deputy Director of the Domestic Policy Council at the White House. She also previously served as legislative director for Senator KERRY. So she brings with her a broad knowledge of Federal policy and the operations of the government.

It is important to note that Ms. Higginbottom was personally selected by Director Lew as the individual he wants as his Deputy. His selection of Ms. Higginbottom speaks volumes about her ability and the respect she has attained from her colleagues in the administration. Director Lew needs to have the Deputy Director of his choice working with him at OMB.

I know some have questioned this nominee's qualifications. They are wrong to do so. Ms. Higginbottom is absolutely qualified for this job, and she is as qualified as other individuals who served in this position during Republican administrations.

I hope the Senate joins me in voting to confirm this nominee.

Ms. CANTWELL. Mr. President, as we consider the nomination of Heather Higginbottom to be Deputy Director of OMB, I would like to bring to the attention of my colleagues my concern for how OMB and the Coast Guard have been conducting business.

The Arctic is opening at an alarming rate, which creates new requirements for the U.S. Coast Guard and the Navy. Multiple Presidential directives call for Arctic presence to meet national security and homeland security needs; to facilitate safe, secure, and reliable navigation; to protect maritime commerce, and to protect the environment as resource development increases.

Polar icebreakers are critical to meet our national needs in the Arctic. According to a recent independent study, the Coast Guard and the Navy need six heavy-duty icebreakers and four medium icebreakers. This is not a political document; it is a study of the national security and commercial viability of the United States. It is not a surprise to this Senator that any third party, any independent judgment maker, or anyone paying attention as the Chinese, and the Russians, oil companies, even pirates actively stake claims in the Arctic, that the United States needs to be prepared to engage to protect its interests there.

In the Coast Guard Reauthorization Act of 2010, we required the Coast

Guard to complete a comparative business case analysis to determine how we can revitalize icebreaking fleet while maximizing taxpayer dollars. This study was due on October 15, and today I have come to the floor because the law is being ignored. The Coast Guard and OMB have failed to deliver this report that I remind you was required by law to be delivered to Congress days ago.

Even more distressing to me is that the Coast Guard is moving forward with decommissioning one of only two of our Nation's heavy duty icebreakers. We think this is unwise, and it is exactly why the Congress required a study of such an action. Surely the administration isn't simply choosing to flout the law by moving forward before this cost-benefit analysis has been completed or reviewed by Congress.

So I know Heather Higginbottom is probably keenly interested in the debate going on here today, and I hope that if she is listening and if she is confirmed as the Deputy Director of OMB, she will take this leadership opportunity to transform the way OMB does its business. It is time for OMB to stop holding up congressionally directed reports. I know there are a lot of smart people over at OMB, and they may not always like the people and their representatives questioning their judgment. However, even OMB must follow the law, and in this case they must deliver the business case analysis to Congress immediately. Some of the folks over at OMB may not agree with the Congress that polar icebreaker assets should be a priority. And while everyone is entitled to their opinion, even if it illustrates a complete lack of understanding of our national security needs, in our system of government Congress makes the laws, and at least this Senator expects them to be followed.

Mr. KERRY. With the consent of the other side, all time will be yielded back.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—64

Akaka	Carper	Hagan
Alexander	Casey	Harkin
Baucus	Collins	Inouye
Begich	Conrad	Johanns
Bennet	Coons	Johnson (SD)
Bingaman	Corker	Kerry
Blumenthal	Durbin	Klobuchar
Boxer	Feinstein	Kohl
Brown (OH)	Franken	Kyl
Cantwell	Gillibrand	Landrieu
Cardin	Graham	Lautenberg

Leahy	Nelson (NE)	Stabenow
Levin	Nelson (FL)	Tester
Lieberman	Portman	Toomey
Manchin	Pryor	Udall (CO)
McCaskill	Reed	Udall (NM)
Menendez	Reid	Warner
Merkley	Rockefeller	Webb
Mikulski	Sanders	Whitehouse
Moran	Schumer	Wyden
Murkowski	Shaheen	
Murray	Snowe	

NAYS—36

Ayotte	DeMint	Lugar
Barrasso	Enzi	McCain
Blunt	Grassley	McConnell
Boozman	Hatch	Paul
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 769

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to the amendment, as modified, by the Senator from Louisiana, Mr. VITTER.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is bipartisan. I thank the bipartisan coauthors. The amendment would allow the reimportation of small, personal use quantities of safe FDA-approved prescription drugs from Canada only. It is a very modest amendment. It is for personal use only, not large quantities, no wholesalers, Canada only, no biologics, and no controlled dangerous substances. It is essentially identical to an amendment we passed on a bipartisan basis in the last Senate.

I urge a strong vote in favor of this.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I oppose this amendment. First, it is a budget buster. To enforce this will take enormous amounts of resources. You cannot be sure that that drug coming from Canada is not a counterfeit, lethal death drug. You don't have any enforcement procedures in here, you don't have the money to enforce it, and we have a history of phony drugs coming into rogue Web sites through counterfeit countries.

If you want a drug that has been made in a country that we view as

predators toward the United States, when you take your Coumadin, when you want your wife to take her breast cancer drug, when your daughter is going to take that birth control bill, then you want the Vitter amendment. But if you want safety, then defeat the amendment.

Ms. SNOWE. Mr. President, today I wish to support Senator VITTER's amendment regarding drug importation from Canada. Senator VITTER has been a tremendous partner and tireless advocate in supporting the comprehensive drug importation legislation Senator STABENOW and I introduced earlier this year—the Pharmaceutical Market Access and Drug Safety Act—which now has 20 additional cosponsors.

The time for enactment of comprehensive drug importation legislation is certainly long overdue—and the critical necessity for this legislation is actually greater . . . not less, particularly for those struggling in this economic environment. Over the past decade, among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications. Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles.

At the same time, according to AARP, over the last 5 years, the retail prices for the most popular brand-name drugs increased 41.5 percent, while the consumer price index rose 13.3 percent. So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost of brand-name drugs is directly impacting the health of millions. Americans have learned that other countries use the very same medications which we do, made in the very same plants, yet pay considerably less.

I look forward to working with my colleagues, as well as the FDA, on opportunities to advance comprehensive drug importation legislation in the months ahead. Not only does my legislation expand access to imported drugs in countries with comparable levels of regulation and oversight, but it also establishes a higher level of safety than exists today for prescription drugs sold domestically—including employing anticounterfeiting technologies and drug pedigrees to ensure the integrity of medications. In fact, it was the first to provide FDA with the resources to improve its inspection of foreign drug plants, many of which today produce medications marketed here by U.S. firms which consumers assume to be "domestic". CBO estimates the Federal Government alone would save \$19.4 billion, so the savings from drug importation are undeniable and I hope that the Joint Select Committee on Deficit Reduction strongly considers this option.

Until that time, Senator VITTER's legislation, which allows for personal