

right team around here, they will get a lot done and we will do this together.

I will close, if I could, with this: I have never met her parents. Obviously, I think she has at least one sibling. But, boy, when I asked her how she turned out this way, Sylvia really gives the credit to her parents. I think most of us probably do if we have had success in life, although we had a great witness before the Finance Committee at yesterday's hearing—Antwone Fisher, a sort of self-made, up-from-the-roots, amazing, successful guy. You never would have imagined he would have enjoyed the success he has, coming up through the foster care system in his home State.

But she gives a lot of credit to her parents. Obviously, they are doing something right at Hinton High School and maybe even at Harvard and over in Oxford, England. But she has had good mentors. She is a very humble person—a very humble person. She is the real deal, and we are lucky she is willing to take this on.

I commend the President for nominating her. I want to thank her husband and her family for their willingness to share her. I hope she gets a unanimous vote here today. She ought to.

#### COMMENDING THE PRESIDENT

The other thing I want to say, if I could, is this: The President took some folks out for dinner last night. I do not know if our Presiding Officer was one of them. My guess is she was. I will talk to her later about what they had and how it went. But I commend the President for reaching out to Republicans and Democrats, Senators and Representatives. It is the kind of thing you have to do. It is the kind of thing you have to do if you want to get things done. As President, you have a million people pulling on you—300 million people pulling on you—and folks from around the world pulling on you, and it is hard to focus on building and rebuilding relationships here. It is absolutely necessary.

I was talking with ANGUS KING the other day. ANGUS—now our colleague here in the Senate, a great addition—used to be Governor of Maine. We were comparing notes as to his role as Governor of Maine and mine as Governor of Delaware, how we worked with the legislature. I am sure you could find people who were in the legislature when I was Governor who said: Thank God he is gone. But we actually worked pretty well together.

One of the keys—not my idea but an idea that started with, I think, Pete du Pont, when he was Governor a number of years ago; also done by Mike Castle as Governor and Ruth Ann Minner as Governor and by me in between Governor Castle and Governor Minner—every Tuesday when the legislature was in session in Delaware—every Tuesday; they are usually in session on Tuesdays, Wednesdays, and Thursdays most weeks between January and June—I would host a lunch with the

legislative leadership of the house and the senate, Democrats and Republicans from the house and the senate. Occasionally, we had somebody in from my administration, my staff. We would have lunch together. Sometimes we would talk about issues; sometimes we would talk about sports or whatever else was the topic of the day. We always had lunch together, and we did it week after week, month after month, year after year. You get to know people and you develop a sense of trust, and in many cases you kind of like each other.

One of the keys to our success in Delaware is we sort of like each other, Democrats and Republicans. We work together, and we govern from the center.

ANGUS had a similar story, only they did not do lunch together with the legislative leadership. They did breakfast together in Maine. He did it every week, every month, every year for the 8 years or so he was Governor.

The President is doing something like that. He is doing like a DC version of that now. It is just great, and I urge him to keep it up.

#### DEFICIT REDUCTION

I will close with this: My colleague, the Presiding Officer, has heard me say this before. The President has heard me say this a few times as well, probably more than he wants to remember. But I think there are three things—if we are really serious about deficit reduction—three things we need to do.

I would mention, the first one of those is—go back to the Clinton administration. Erskine Bowles, the Chief of Staff, whom Sylvia helped, and others, put together, with Republican help in the House and Senate—it was then a Republican House and Senate in those years—they put together a deficit reduction plan. It was 50 percent revenues; it was 50 percent spending. They put together a balanced budget plan that led—for the first time since 1968, we ended up not with one balanced budget, not two, not three, but four balanced budgets in the last 4 years of the Clinton administration. It was 50 percent deficit reduction on the spending side and 50 percent on the revenue side.

For those 4 years, if you look at Federal revenue as a percentage of GDP, it ranged anywhere from 19.5 percent to 20.5 percent. That was the range—19.5 percent to 20.5 percent Federal revenues as a percentage of GDP—but the average was about 20 percent.

Look at last year. We had a big budget deficit. Federal revenues as a percentage of GDP were right around 16 percent. I think spending as a percentage of GDP last year was around 23 percent or so. But that gap between 16 percent in revenues as a percentage of GDP and spending at about 23 percent—and spending is coming down and the revenues are going to go up under the fiscal cliff deal, but we will still have a deficit—a substantial deficit, by historical standards—so we need to do something more.

The something more we need to do is, No. 2—after we address revenues, get them up closer to the historic mark of about 20 percent, where we were in the Clinton administration, 20 percent of revenues as a percentage of GDP, the second thing we need to do is entitlement reform.

I will use the President's words, and I think he has been courageous because not everybody in our party agrees with him on this. We need to reform the entitlement programs in ways that save money, do not savage old people or poor people, and preserve these programs for the long haul.

I remember I spoke to—it was back at Ohio State, where I did my undergrad as a Navy ROTC midshipman a million years ago—it was back a month or so ago, and I had a chance to talk to 400 fraternity brothers from different States, including the Presiding Officer's State, who were there for a weekend conference, a leadership conference. I talked to them about leadership. I also talked to them about making tough decisions and how we use our values to make these tough decisions.

I asked the 400 guys from across those eight States: How many of you think you will someday receive a Social Security check?

Not one hand went up.

I asked: How many of you think someday you might be eligible for Medicare when you are 65?

Not one hand went up.

My sons who are 23 and 24, they do not think they will. I want to make sure they do. I will predict that they will need it. I want to make sure that for our sons, our daughters, our grandsons, our granddaughters, our nieces, and our nephews, those programs are going to be there for them.

The President gets that. And we understand we cannot just keep doing business as usual. We are going to run out of money in the Medicare trust fund by—when?—2024, and we will start to run out of money—our inability to pay Social Security checks fully—by about 2030 or so. So we need to do something differently, and we need to be smart to do it so we do not hurt the least of these—the least of these—in our society. I think we can be that smart.

So first, we need some revenues. Second, we need entitlement reform that is true to Matthew 25: the least of these, looking out for the least of these. And the third thing—and this is where we have focused in our Committee on Homeland Security and Governmental Affairs, as the Presiding Officer knows—we have put together more than a dozen Democrats and Republicans in this committee who are—“rabid” is probably the wrong word, but I will use it—rabid about waste, rabid—r-a-b-i-d—about waste. What we believe—as I do—is that everything we do as human beings, we can do better. I think that is true of all of us. It is true of Federal programs. Everything we do, we can do better.

The challenge for us is to leverage from one committee, working with our colleagues here in the Senate and the House; working with GAO, the Government Accountability Office; working with OMB, the Office of Management and Budget; working with the inspectors general across the Federal Government; working with outside groups, such as Citizens Against Government Waste, and with other groups; with David Walker, a former Comptroller General; and just a bunch of folks, to say this is like an all-hands-on-deck deal and a shared responsibility as well. To the extent we have the ability to work with all those partners I just mentioned, we will get more done and we will leverage the effectiveness of our committee, but most importantly, we will actually continue to reduce the budget deficit.

The three things, in closing: We need some additional revenues. We need to do it in a smart way. We need to reform the entitlement programs in ways that do not savage old people and poor people and would save these programs for the future. And we need to look in every nook and cranny of the Federal Government to say: How do we get a better result for less money? Find out what works and do more of that. Find out what does not work and do less of that. Look wherever we are duplicating responsibilities and activities and see how we can maybe do less of that.

So there you have it, Madam President. I do not usually get to talk this long, but I am wound up today, very excited about this nomination, as the Presiding Officer can tell. Sylvia Mathews Burwell has the potential of being a terrific OMB Director. One of the keys to doing that is we have to get her confirmed today, and I think we will. Then we have to move promptly.

The President has to give us a good name. I think he has given us one good name to be part of her team, if she is confirmed. But the President needs to send us somebody not just for Deputy OMB Director, not just to be deputy at OMB for management, not just to be the person—the new Cass Sunstein, whose job it will be to work the regulation side, but all of the above. When we get good names, we have an obligation to vet them quickly and promptly and, if they are good people with the best credentials, get them confirmed and in place so they can go do their job because with an \$800-some-billion deficit, we have work to do and need a good leadership team to do that.

Madam President, I do not see anybody standing around to chew up the rest of this time, which is probably a good thing. I think it signals that maybe we will get a good vote on this nomination.

I am pleased to put in a good word for Sylvia and say to her husband and family, thanks for sharing her, and to her parents, thanks for raising her.

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

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

Mr. MANCHIN. Madam President, I rise to urge the Senate to confirm the nomination of Sylvia Mathews Burwell to be Director of the Office of Management and Budget. I do so with great pride because Sylvia Burwell is from my home State of West Virginia. I have been dear friends with her family for a long time.

Her parents have been community leaders in Hinton, WV, for over half a century. Her father Dr. William Mathews is a longtime optometrist, and her mother the Honorable Cleo Mathews previously served as the mayor of Hinton, as well as in a number of other public service positions. I worked with Sylvia for many years as mayor when I was Governor of the State—she was quite competent—including 8 years on the State Board of Education when she served as president of the board of education.

If you want to know Sylvia, you should look at her small hometown of Hinton, WV, and the surrounding Summers County that she grew up in because that is her grounding. It is pure Americana, a one-time railroad boom town, woven into the mountains of Appalachia. The downtown historic district, 200 buildings, including churches, storefronts, and private residences, is an architectural gem of American Gothic, Classical, Victorian and Greek Revival styles. It is a movie just waiting to happen.

Hinton is the ideal example of smalltown West Virginia and probably smalltown America. It only has 2,600 residents. That is a pretty large town for West Virginia and probably North Dakota. It is nestled into a lush green valley on the banks of the New River, surrounded by the towering, majestic mountains and forests of Summers County, one of the most beautiful counties in West Virginia.

New River is one of the oldest rivers in the world. It flows south to north, which may be due to the fact that it was formed long before the Appalachian Mountains.

This is the special place Sylvia Mathews Burwell calls home, a showcase for the best of West Virginia and America, the beauty, the outdoors, and the people are warm and welcoming. Sylvia is humble, hardworking, has spent most of her life helping hard-working families everywhere achieve the American dream her Greek immigrant grandparents found in this country.

She went off to Harvard, was a Rhodes Scholar, and has traveled the world over. But she has never lost touch with her West Virginia roots and the ties that bind us together. No matter where she is, 1 day each week like clockwork, Sylvia is on the phone with the two best friends she made in the

first grade in Hinton. Think about it. That is who we are. That is the heart and soul of West Virginia, friends and family.

But make no mistake, I am supporting Sylvia's nomination not because she is from West Virginia, which makes it all that much sweeter, but because she embodies the best of our State and our country. In West Virginia, we judge people by their deeds as much as their words, and Sylvia has already accomplished so much in her life, the public service and philanthropy she has been involved with.

Sylvia Mathews Burwell is an exceptional choice to lead the Office of Management and Budget, especially in the aftermath of sequestration, which is what we are going through now, and which so many of our colleagues detailed on the Senate floor this past week. We are still discussing it.

I say that because Sylvia served as the Deputy Director of the Office of Management and Budget, which now she will become Director of, from 1998 to 2001, which was our last era—think about the last time of fiscal responsibility, when balanced deficit reduction gave us balanced Federal budgets.

The fiscal plan she and Erskine Bowles, whom she worked with, put together, had we followed it to this day and not changed, would have erased our national debt completely by now. Can you believe that. We would have been totally out of debt as a nation if we had followed the plan that was put forward back in 1996, 1997, 1998, and followed through after 2001.

Sylvia was a key part of the Clinton White House team which reached across the aisle, negotiated those balanced budgets with a Republican Congress. If we look closely at the numbers, we can see what an accomplishment it was to fix our finances in the 1990s. Prior to 1993, when Sylvia joined the Clinton administration, the United States had failed to balance its budget for 23 years—23 years.

By 1992, spending had risen to historic highs—I think we all know that story—and revenues had reached near historic lows. We know that one too. That is exactly the dilemma we are in right now, compared to the size of the economy. In 1992, the Federal budget deficit topped out at \$290 billion. I think we are close to \$17 trillion in debt right now.

By the time Sylvia left the Clinton White House and went to the Office of Management and Budget in 1998 as a Deputy, the wheels were in motion of sustainable balanced budgets for years to come. She put these wheels on. Spending had shrunk drastically and revenues were soaring to historic highs, thanks to a thriving U.S. economy and reasonable tax policy that ensured both corporations and wealthy individuals paid their fair share.

The PRESIDING OFFICER. The time for the majority has expired.

Mr. MANCHIN. I ask unanimous consent to speak for up to 5 minutes. At

that time, I wish to be able to turn it over to the Senator from Iowa.

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

Mr. MANCHIN. In 1998, Sylvia's last year in the White House and the first year at OMB, the Federal budget had a \$69.3 billion surplus, the first surplus in a generation. Sylvia has been out of government for the last 12 years. But I am confident she will bring a fresh perspective to the fiscal debate we will be having over the next few years.

After serving in high-profile leadership positions, she has been well balanced, and she has been with the Bill and Melinda Gates Foundation. She has been their top person. I would hope all my colleagues on the Republican side and my colleagues on the Democratic side will look at Sylvia as part of America, part of this great country, a product of who we are. She will do a great job because she has a track record of already doing it. With that, I would encourage all my colleagues to please vote in support of Sylvia Mathews Burwell.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I was honored to recommend to the President that he nominate Jane Kelly to serve as a judge on the U.S. Court of Appeals for the Eighth Circuit. Today I encourage my colleagues to vote for her confirmation, which will be the first vote at noon.

Let me begin by thanking Senator LEAHY and his staff for their hard work in advancing Ms. Kelly's nomination in such a timely manner. I also thank my senior colleague from Iowa, Senator GRASSLEY, for his invaluable support and assistance. For all the years we have served together, Senator GRASSLEY and I have cooperated in a spirit of good will on judicial nominations in our State. I am grateful that tradition has continued.

Jane Kelly possesses all the qualifications necessary to assume the responsibilities of a Federal appellate judge. Before recommending Ms. Kelly to the President, I reviewed a very strong field of candidates for this position. She stood out as a person of truly outstanding intellect and character, with a reputation as an extremely talented lawyer with a deep sense of compassion and fairness. Not surprisingly, she enjoys wide bipartisan support from the Iowa legal community.

Judge Michael Melloy, who was nominated by President George W. Bush, and whose seat on the Eighth Circuit Ms. Kelly is nominated to fill, said Ms. Kelly "is very intelligent and thoughtful."

Judge David Hansen, who was President George H.W. Bush's nominee to serve on the Eighth Circuit and for whom Ms. Kelly clerked, said: "She is a forthright woman of high integrity and of honest character" who "will be a welcome addition to the court."

I might also point out for the record that both of those nominees under Re-

publican Presidents I was proud to support, under the leadership of Senator GRASSLEY.

Federal District Court Judge Stephanie Rose remembered Ms. Kelly "has a great blend of personality, skills and common sense to make a great lawyer and judge."

The American Bar Association gave her a unanimous "qualified" rating. Ms. Kelly is a credit to all of us who have chosen to be in public service. She earned her bachelor's degree summa cum laude from Duke, served as a Fulbright Scholar, and received her J.D. cum laude from Harvard Law School. After law school she was a law clerk to Judge Donald Porter of the District Court of South Dakota and to Judge David Hansen on the Iowa Eighth Circuit. She could easily have commanded a big salary with a top law firm, but instead for over 20 years she has opted for public service and long hours as a Federal public defender. We are fortunate she seeks to continue her public service to Iowa and our Nation by serving as a Federal judge.

Let me conclude with two additional notes about Ms. Kelly's nomination. First, if confirmed, Ms. Kelly will only be the second female judge in the history of the Eighth Circuit Court of Appeals, a court established in 1891. While 56 men have sat on that court, to date there has only been one woman, Diana Murphy of Minnesota. President Obama has nominated approximately 100 former prosecutors to the Federal bench, including one I recommended, former U.S. attorney Stephanie Rose, to the Southern District of Iowa. Among recent Presidents that is the highest percentage of former prosecutors to be nominated to the Federal bench. These are all outstanding attorneys and dedicated public servants.

As Judge Melloy recently noted with respect to Ms. Kelly: "It will be good to have someone from the public defender realm on the bench."

Ms. Kelly has served for more than 20 years in the Federal defender's office, where she has argued hundreds of cases on behalf of indigent clients. She has fought tirelessly to ensure that the rights of all are protected, and she has worked to give meaning to the phrase above the Supreme Court, "Equal Justice Under Law." This is a critically important perspective that she will bring to the court.

As an aside, it strikes me as especially fitting that Ms. Kelly, a career public defender, has been nominated for the Federal bench this year as we observe the 50th anniversary of *Gideon v. Wainwright*. As we all know, that landmark decision recognized that every person accused of a crime, no matter how poor, is guaranteed the right to counsel. At its core, *Gideon* is the promise of justice for all, including our most vulnerable citizens. This is an ideal to which Ms. Kelly has dedicated her entire legal career.

Jane Kelly is superbly qualified to serve as the U.S. Court of Appeals

judge for the Eighth Circuit. I urge all of my colleagues to support her nomination and confirmation.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, I want to share a few remarks on the nomination of Sylvia Mathews Burwell to be the Director of the Office of Management and Budget. I suspect she will be confirmed momentarily. She was raised in a small town in West Virginia and seems to have some good West Virginia values. She is smart, able, and has a winning personality for sure.

This is, perhaps, properly utilized, the toughest, most important job in the U.S. Government. The primary responsibility of OMB is to assist the President in overseeing the preparation of the budget, but also to help formulate spending plans to deal with agency programs, policies, and positions in setting funding priorities to make tough choices that are necessary to keep our financial house in order. It is a tough position.

We could have elected a President such as Governor Romney, who was a manager, a tough, proven executive. That was his strength. President Obama's strength is in message, traveling the country and advocating his positions, leaving it even more critically important than normal, it would seem to me, to have a very strong Office of Management and Budget leader. Ms. Burwell certainly seems to have the integrity to do the job.

I am worried about her lack of experience. She served as the president of the Global Development Program at the Bill & Melinda Gates Foundation. She served as the head of the Walmart Charitable Foundation, she served in the Office of Management and Budget for a time—Chief of Staff, I believe, to the Secretary of Treasury—and at the National Economic Council. Her most recent experience has not been in directly trying to rein in a government that is out of control.

The Web site of OMB says as part of its mission:

It reports directly to the President and helps a wide range of executive departments and agencies across the Federal Government to implement the commitments and priorities of the President.

It is a big job.

I would say that in failing to nominate someone like a proven executive, a proven Governor, or a former Cabinet member who can look these Cabinet members in the eye and say: No, Secretary, this is not going to be within our budget; this isn't within our plans—you are going to have to see if you can do this. We have a nominee

who will really have to rise to the occasion to be able to defend common sense and spending because our Cabinet people get ideas and visions. They want to do all kinds of things, particularly in this administration. Sometimes you have to say: We don't have the money. We would like to do that, but we do not have the money.

The President's budget that OMB is required to produce and that he has submitted so far has not been impressive. That is an understatement. They have not exemplified the leadership and management that we would expect in a President.

For instance, the 2013 budget, the one that was introduced last year, increased spending by \$1.5 trillion above the Budget Control Act spending levels to which we all agreed. That is not good.

The President signed the Budget Control Act. It limited spending from increasing from \$37 trillion at current law baseline. He was going to \$47 trillion. The Budget Control Act reduced the increase to just \$45 trillion instead of going up to \$47 trillion. It imposed the 2012 budget limits. Yet the President's budget proposed a deficit of \$2.7 trillion above the agreed-upon baseline, so we had a good number of problems with that budget. Of course, the budget, those two budgets, failed in the Senate 99 to 0 and 97 to 0. It got not a single vote, and it didn't get a single vote in the House because it's an irresponsible budget. Ms. Burwell will be replacing the OMB Director who put together those budgets.

I see my colleague and able chair of the Budget Committee here. I thought I would have 10 minutes. What is the agreement at this point?

The PRESIDING OFFICER. All time expires in 30 seconds, all time remaining under Republican control.

Mr. SESSIONS. The Republican time has expired.

I will say I intend to support Ms. Burwell's nomination. We will give her a chance. I hope she will rise to the occasion. I think she has the ability. She certainly is a delightful person with whom to meet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I would ask unanimous consent to speak for 5 minutes on the nomination of Sylvia Mathews Burwell.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I thank Senator SESSIONS, and I rise today to speak in support of Sylvia Mathews Burwell, whose nomination to be the next Director of the Office of Management and Budget was approved last week with strong bipartisan support by our Senate Budget Committee.

As we all know, our country does face serious fiscal and economic challenges we have to work together to address. The American people are looking

to us to end this constant artificial crisis and political brinkmanship that is threatening our fragile economic recovery. They want us to come together around fair solutions that work for our middle class, help the economy grow, and tackle our deficit and debt fairly and responsibly. It is time we stop governing from crisis to crisis and return stability and regular order to our budget process.

That is why I am so pleased we have such an exceptional and qualified nominee in Sylvia Burwell to lead OMB. I know she is the right person to come into this leadership role at this important time for our country. She is no stranger to OMB or to tackling important fiscal issues.

In the 1990s, she was a critical part of President Clinton's economic team. She served as Deputy Director of the Office of Management and Budget, Deputy Chief of Staff to the President, and Chief of Staff to the Secretary of the Treasury. In those roles, she worked very closely with Jack Lew, Erskine Bowles, Robert Rubin, and the rest of President Clinton's economic team to help produce three out of four budget surpluses in a row. During her tenure, our government took a fair, credible, and sustainable approach to our Federal budget. That gave businesses the confidence to hire new workers and invest in their growth.

Her leadership and hard work in the 1990s helped to create broad-based economic growth that worked for the middle class and turned our debt and deficit problems around. Sylvia's firsthand experience creating a balanced and responsible approach to deficit reduction makes her uniquely qualified to lead OMB at this important time for our country.

Since the 1990s, Sylvia has dedicated her life to helping people all over the world. As the president of the Global Development Program and the chief operating officer at the Gates Foundation, she worked to improve the lives of millions across the globe. Under her leadership, the foundation invested in important programs to help combat poverty and produce clean water and improve literacy, and provides emergency relief to those who need it the most.

Most recently, as president of the Wal-Mart Foundation, she led the Foundation's charitable giving and focused on critical issues such as hunger relief and women's economic empowerment.

Not only do Sylvia's achievements in the foundation of philanthropy worlds demonstrate her vast experience managing large global budgets, but they also speak volumes of her values and demonstrate her deep lifelong commitment to serving others.

Sylvia grew up understanding the value of hard work and public service. Her parents have been community leaders in West Virginia for over half a century. Her father is a long-time optometrist and her mother, the Honor-

able Cleo Mathews, served as the mayor of her hometown of Hinton, and later served on the West Virginia State Board of Education for a decade. As my colleague Senator MANCHIN said when he introduced her to our Budget Committee, it is easy to see public service is a part of Sylvia's DNA.

As the Director of OMB, Sylvia will help set our Nation's priorities and make tough decisions about our Federal spending. So I am glad Sylvia knows budgets are about more than abstract numbers and partisan back and forth. As a second generation Greek American, Sylvia understands the importance of the promise of American opportunity. She knows budgets are a reflection of our values and our priorities, and they are about families across the country whose lives and futures are impacted by the decisions we make.

Not only is Sylvia an expert on domestic economic policy and a dedicated public servant, she has a demonstrated track record of working across the aisle to get things done. During her time in Washington in the 1990s, she reached across the aisle and negotiated the balanced and fair budgets with Republicans in Congress. She knows working to find common ground is the key to solving our fiscal challenge—a point made clear by her during her confirmation hearing in front of our Senate Budget Committee this month.

So I am pleased her nomination passed our committee on a voice vote with strong bipartisan approval. Republicans, including Senator SESSIONS, who here on the floor praised Sylvia as someone who is, by all accounts, well-liked and an able leader committed to public service.

Madam President, I support this nomination, I urge my colleagues to vote yes, and I yield back the remainder of my time.

Mr. MCCAIN. Mr. President, today I come to the floor to speak in support of the nomination of Mrs. Sylvia Mathews Burwell, to be Director of the Office of Management and Budget, OMB. Her previous experience as Deputy Director of OMB during the Clinton administration, as well as her work with the Bill and Melinda Gates Foundation and her current position as president of the Walmart Foundation in my opinion, make her well qualified to be the Director of OMB.

With our country now facing a \$16.8 trillion dollar debt, which is more than \$53,000 per person, the Director of OMB is perhaps the toughest job in Washington, and I am confident that Mrs. Burwell is up for the challenge. In addition to the unsustainable debt, \$85 billion in draconian, across-the-board sequestration cuts to defense and non-defense programs in fiscal year 2013 have now started to hollow out our military. I hope to work with Mrs. Burwell to remedy these cuts that are devastating to our national security.

Although Mrs. Burwell and I will not always agree on how we tackle our

country's urgent fiscal challenges, I am confident that she will commit to finding bipartisan solutions to these real problems. Solutions that will provide greater program efficiency and transparency and will put our country back on a path of fiscal stability so that future generations will not be forced to pay for the irresponsible spending decisions we continue to make here in Congress. Again, I am pleased that the President put forth such a qualified nominee, and I look forward to working with her.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Jane Kelly, of Iowa, to be United States Circuit Judge for the Eighth Circuit?

Mr. SESSIONS. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from North Dakota (Mr. HOEVEN).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 108 Ex.]

#### YEAS—96

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

#### NOT VOTING—4

Cowan	Lautenberg
Hoeven	Warren

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes, equally divided, prior to a vote on the Burwell nomination.

Who yields time?

Mr. REID. I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Sylvia Matthews Burwell, of West Virginia, to be Director of the Office of Management and Budget?

Mr. REID. Madam President, 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 proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Idaho (Mr. CRAPO).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 109 Ex.]

#### YEAS—96

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

#### NOT VOTING—4

Cowan	Lautenberg
Crapo	Warren

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the next vote be 10 minutes in duration.

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

#### MARKETPLACE FAIRNESS ACT OF 2013—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 743, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 743) to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the question is on the adoption of the motion to proceed to S. 743.

Mrs. SHAHEEN. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. COWAN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 110 Leg.]

#### YEAS—74

Alexander	Feinstein	Menendez
Baldwin	Fischer	Mikulski
Barrasso	Flake	Moran
Begich	Franken	Murphy
Bennet	Gillibrand	Murray
Blumenthal	Graham	Nelson
Blunt	Hagan	Portman
Boozman	Harkin	Pryor
Boxer	Heinrich	Reed
Brown	Heitkamp	Reid
Burr	Hirono	Risch
Cantwell	Hoeven	Rockefeller
Cardin	Isakson	Sanders
Carper	Johanns	Schatz
Casey	Johnson (SD)	Schumer
Chambliss	Johnson (WI)	Sessions
Coats	Kaine	Shelby
Cochran	King	Stabenow
Collins	Klobuchar	Thune
Coons	Landrieu	Udall (CO)
Corker	Leahy	Udall (NM)
Crapo	Levin	Warner
Donnelly	Manchin	Whitehouse
Durbin	McCain	Wicker
Enzi	McCaskill	Wyden

#### NAYS—23

Ayotte	Inhofe	Rubio
Baucus	Kirk	Scott
Coburn	Lee	Shaheen
Cornyn	McConnell	Tester
Cruz	Merkley	Toomey
Grassley	Murkowski	Vitter
Hatch	Paul	Wyden
Heller	Roberts	

#### NOT VOTING—3

Cowan	Lautenberg	Warren
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The motion was agreed to.

#### CHANGE OF VOTE

Mr. PAUL. On rollcall vote No. 110, I voted "aye." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.