

NIST to end its work on the Manufacturing Extension Partnership, which helps small manufacturers innovate in their business practices and develop market growth at home and abroad.

The Department of Education is the operator of 10 world-class national laboratories that specialize in developing advanced commercial technologies. DOE's Advanced Research Projects Agency, ARPA, has achieved several remarkable breakthroughs in recent years, such as doubling the energy density of lithium batteries, increasing the capacity of high-power transistors, engineering microbes that can turn hydrogen and carbon dioxide into transportation fuel. Sequester cuts are going to slow and curb our Nation's progress toward a 21st century energy sector.

Not only does the sequester fail to invest in things that make America great and make America grow, the sequester is also costing the government more money for the same product in the long run. There are certain weapon systems that DOD knows it needs and will purchase in the future; however, because of sequestration, they have canceled the contract order for the time being. As a result, the manufacturer has shut down that production line and possibly terminated jobs. Restarting that process is expensive, and those costs are ultimately passed on to us, the government—the American people.

I urge my colleagues to rethink the current strategy of addressing the sequester crisis by crisis and whatever is on the front page of the news. It ultimately is not equitable. It disadvantages our Nation's most vulnerable and it is harming our economy.

In February, CBO's Doug Elmendorf testified that the effects of sequestration would reduce employment by 750,000 jobs this year. That is the opposite direction we need our job numbers to go during our economic recovery. I have not even been able to touch on the risk the defense sequester poses to our military readiness in my remarks here today.

The bottom line is we need to address every facet of the sequester together with a mix of new revenues and smarter targeted cuts. We should meet every new, high-visible consequence of the sequester with the same response. It is more evidence that we need to replace the entire sequester.

Democrats have put forward a plan to address the most immediate consequences of the sequester with a mix of new revenues and targeted cuts to replace the first year of sequestration, and it garnered a majority in the Senate. But because a majority is not enough to pass legislation in today's Senate when the minority chooses to obstruct, that plan failed to pass.

What we have passed in the Senate is a budget that proposes to replace the entire sequester in a balanced way that would also spare the most vulnerable pain and protect our economic recovery

and our economic future. That is the kind of approach we need to take.

I hope in the days ahead we can begin a dialogue about fixing this problem so kids in Minnesota, Indiana, and in the Presiding Officer's State of Hawaii—kids all around the country—can return to Head Start. We need to help the senior citizens in Maine so they can get off the Meals on Wheels waiting list. We address this issue so that Minnesota's tribal school districts can finish out the school year as scheduled.

When we hear about the next highly visible problem the sequester has caused, we should think about all the problems the sequester has caused, and that is what I will be doing. We need to fix the problem in a comprehensive and balanced way.

I stand ready to work with my colleagues and achieve that comprehensive and balanced fix for the sequester.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

##### NOMINATION OF DAVID MEDINE TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

The ACTING PRESIDENT pro tempore. 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 David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose the nomination of David Medine to be the Chairman of the Privacy and Civil Liberties Oversight Board, which is commonly referred to as the PCLOB.

Mr. Medine was nominated for this position during last Congress and the Judiciary Committee, where I serve as the ranking member, held a hearing on his nomination in April 2012.

At the hearing, I asked a number of questions about the various national security statutes that the Board is tasked with overseeing. This included questions about the Foreign Intel-

ligence Surveillance Act and the PATRIOT Act.

Specifically, I asked for his views on these laws. Unfortunately, the responses I received failed to provide his views. He simply stated that he would balance the views of the government against the Board's mandate to review privacy.

I also asked Mr. Medine about his views on the use of law enforcement versus military authorities for combating terrorism.

I was disappointed that he failed to answer a basic yes-or-no question about national security law: "Do you believe that we are engaged in a war on terrorism?"

Instead, of a simple yes or no, he opted for a more limited answer that military power is permissible in appropriate cases.

This technical answer gives me pause especially in light of the continued threat we face from international terrorist organizations.

Perhaps the most concerning response he provided was to another simple constitutional law question. I asked all the Board nominees an important question about the use of profiling based upon country of origin for immigration purposes.

The Constitution provides broad discretion to the government for purposes of immigration. Each year the government places quotas or caps on how many and what types of visas are allowed for each particular country.

For example, if we face a threat from an unfriendly nation, it is important that we have the ability to limit immigration from that country. At the least, immigration and customs agents and consular officers should be able to make decisions of admissibility solely on country of origin.

I asked this same question to the other four current members of the Board—two Democrats and two Republicans. They all answered the same way, that foreign nationals do not have the same constitutional or statutory rights as citizens and therefore U.S. officials should be able to use this as a factor in admissibility determinations.

In contrast to the other four nominees, Mr. Medine argued that use of country of origin as the sole purpose was "inappropriate."

Specifically, Mr. Medine noted that it would be "inappropriate" for the Federal Government to profile foreign nationals from high-risk countries based solely upon the country of origin. This is troubling.

As the other four nominees noted, foreign nationals do not have the same constitutional or statutory rights as U.S. persons and the government may, lawfully and appropriately, use country of origin as a limiting factor for purposes of admission to the United States.

I think this is especially concerning given the recent attacks in Boston and the concerns surrounding potential holes in our immigration system related to student visa overstays.

What if our government learns of a terrorist plot undertaken by individuals from a specific country. Under the view advocated by Mr. Medine, excluding all individuals from that nation, even for a defined period of time, would be “inappropriate.”

Instead, under his view, even faced with this threat, it would only justify “heightened scrutiny of visitors from that country” when the individual was “linked to other information about the plot.” This is a dangerous view of our government’s authority to control admission into the country.

Terrorism is fresh on everyone’s mind following the recent attacks in Boston, but the need to remain vigilant against a terrorist threat should not rise and fall based upon our proximity to an attack.

The terrorist attacks on 9/11 changed the way the government viewed terrorism and those who want to kill Americans.

We are now nearly 12 years released from 9/11. Some may believe that we now have the means in place for restricting admission based only upon specific intelligence of a plot. But that view is the type of thinking that allows us to let down our guard.

Those who seek to kill Americans are not letting down their guard and are always looking for ways to attack Americans and our way of life.

We can see this with the new tactics that they use, such as the failed underwear bombing, the attempted Times Square bombing, and the recent attacks in Boston.

It is through this lens that I view Mr. Medine’s answer and why I oppose his nomination to a board overseeing critical national security laws.

While I agree we should always work to ensure that intelligence information is utilized in a manner most likely to achieve the desired result, there are scenarios where we may need to block entry to all members of a certain country.

For example, would Mr. Medine’s view apply to wartime situations?

Would we have to admit those whose country was at war with the U.S.?

I think his answers point to a dangerous worldview that is out of touch with the threat we face from global terrorist organizations that seek to kill Americans.

It is thinking that deviates from basic constitutional principles our government was founded on; namely, the ability to protect our citizens by limiting entry into the country.

This is a very serious matter given the Board’s oversight of national security law.

Given these concerns, I joined my colleagues in opposing Mr. Medine’s nomination when the Judiciary Committee voted on him in February. That party-line vote mirrored the same party-line vote from the previous Congress—even though the committee now has different members.

Above all, I fear that a nomination that is as polarizing as this could cloud the legitimate work of the Board.

This Board is tasked with reviewing some of the most sensitive national security matters we face.

If the Board issues a partisan decision, led by Mr. Medine, it will be discredited because of these controversial fundamental beliefs Mr. Medine holds.

These national security issues are already polarizing—just look to any debate in Congress on FISA or the PATRIOT Act. Adding partisan fueled reports to the fire would only exacerbate these difficult matters.

Given these concerns, I oppose Mr. Medine’s nomination and urge my colleagues to do the same. A vote against this nominee is a vote to preserve the legitimate tools to help keep America safe.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PREVENTION AND PUBLIC HEALTH FUND

Mr. HARKIN. Mr. President, I was deeply disturbed several weeks ago to learn of the White House’s plan to strip \$332 million in critical funding from the Prevention and Public Health Fund and to redirect that money to educating the public about the new health insurance marketplaces and other aspects of implementing the Affordable Care Act.

No one is more interested in ensuring the successful implementation of the health insurance exchanges than I am. I chair that committee. I was working with both Senator Kennedy and Senator Dodd in formulating these aspects of the Affordable Care Act. But it is ill-advised and shortsighted to raid the prevention fund, which is making absolutely critical investments in preventing disease, saving lives, and keeping women and their families healthy.

Last year they took \$5 billion from the prevention fund. I will get to that in a moment. So, again, in their raiding of this prevention fund, not only is it a case of misplaced priorities, it is frankly an outrageous attack on an investment fund that is saving lives by advancing wellness and prevention initiatives in communities all across America.

A major purpose of the Affordable Care Act is to begin to transform our current sick care system into a genuine health care system, one that is focused on saving lives through a greater emphasis on wellness, prevention, and public health. I have been saying for 20 years or more that we do not have a health care system in America, we have a sick care system.

When you think about it, if you get sick, you can get pretty good care in America. We have the best surgeons and best cancer clinics. If you are sick,

there is probably no better place in the world to be than in America to get cured. But what we are lousy at is keeping you healthy in the first place and preventing illness, preventing diseases, preventing chronic conditions.

Every expert acknowledges that we will never reduce health care costs or have a healthier and more productive society until we have a major focus on prevention. However, I have no choice but to conclude that when it comes to prevention and wellness, some people in this administration just do not get it.

The prevention fund already has been a giant step forward for public health in our Nation. Typically, prevention and public health initiatives have in the past always been an afterthought. This means that important community-based interventions often go unsupported. The prevention fund, as part of the Affordable Care Act, is making it possible for us to make national investments in evidence-based programs that promote physical activity, improve nutrition, and reduce tobacco use.

This is not the time to mention all of the many ways this fund is already making Americans healthier. I want to mention several representative investments that are happening right now.

The prevention fund is already investing \$226 million to reduce chronic diseases, including diabetes and heart disease. Heart disease disproportionately affects women. In fact, it is the No. 1 cause of death for women in this country. Some 42 million women in America are currently living with some form of heart disease.

The World Health Organization estimates that a staggering 80 percent of heart disease, diabetes, and stroke could be prevented as a result of changes in smoking, nutrition, and physical activity alone.

Moreover, this investment by the prevention fund is not only saving lives, it is also saving money. Right now, heart disease costs our Nation about \$440 billion a year—\$440 billion a year in health care costs from heart disease alone.

Cigarette smoking kills an estimated 173,000 women a year. If current smoking rates persist, more than 6 million kids living in the United States today will ultimately die from smoking.

This year the fund is supporting a second round of the highly successful media campaign called “Tips From a Former Smoker.” It is estimated that last year’s campaign will save \$70 million annually based on just the smokers who successfully quit in reaction to this 12-week ad campaign. These ads are extremely powerful and effective. Within 2 days of the first ad appearing last year, the number of calls to our quit lines tripled. So mark my words, these ads are going to save lives. In fact, the second phase of this ad campaign is expected to inspire half a million quit attempts and to help at least 50,000 Americans quit smoking forever.

Now, that is the \$93 million for the anti-tobacco education and support campaign. As I pointed out, over 6 million kids—if we do not do something about it, 6 million kids today in America will die from smoking.

Let's talk about the immunization program. The prevention fund is investing in immunization programs that protect kids and save billions of dollars in downstream costs. For every dollar spent on childhood immunizations, Americans save \$16 by avoiding the costs of treating preventable diseases. Furthermore, by ensuring that all adults get recommended routine vaccines, we can prevent 40,000 to 50,000 deaths annually. So the \$82 million that was cut for immunizations in the prevention fund by the action by the White House could have saved our Nation up to \$1.3 billion in unnecessary health care costs. Again, this is the very definition of penny wise and pound foolish budgeting.

Investments from the prevention fund are not just at the national level, they are also at the community level. The fund is helping States, cities, and towns to implement evidence-based programs that meet their particular local needs.

For example, the State of Illinois has made improvements to its sidewalks and has marked crossings in order to increase levels of student physical activity for students going to school. Because of these improvements, the number of students who are walking to school has doubled. Not only is this good for their health, it is expected to save the school system about \$67,000 a year on bus costs.

In Florida, the school board of Miami Dade County will soon implement the Play, Eat, Succeed project in order to reduce the prevalence of childhood obesity among students with disabilities and children in the Head Start Program. The project will focus on improving nutritional habits, increasing physical activity levels, and achieving a healthy weight.

In California, the Los Angeles County Department of Health has worked with more than 100 clinical teams to provide accessible clinical preventive services to control high blood pressure and cholesterol, reaching approximately 200,000 adults just in Los Angeles County alone.

In my State of Iowa, the Black Hawk County Board of Health is working with the local agency on aging to implement the Better Choices, Better Health Program. This initiative is designed to help individuals who are living with chronic conditions to find practical ways to self-manage pain, fatigue, and to make healthier nutrition and exercise choices, to set realistic goals, to understand treatment options and communicate with family and health care providers about their condition.

I mention all of these to show that the prevention fund is not just top-down from Washington; we are trying

to encourage communities, cities, towns, counties, and, yes, some States to do work on their own, to come up with innovative ideas on how to encourage people to live healthier lives, to prevent smoking, to, for instance, get more kids to walk to school. And this is a big problem. A lot of kids in America can walk to school, but they do not have sidewalks, they do not have safe passages to school, so they take a bus. Simple things like that are done at the local level with the prevention fund, and when local levels experiment and do things like this and they find that they work, then other people adopt it. To me, this is one of the key elements of the prevention fund. It is sort of letting a thousand flowers bloom, getting more ideas out there from people at the local level on what they can do, how they can buy into this.

What can they do, and how can they buy into this to have a good prevention and wellness program on the local level?

Let's look at the return on investment. We always wonder about the return on investment for the kind of money we spend in government. The prevention fund all across America is investing in proven locally developed programs, as I mentioned, that promote health and wellness, and they save lives. Not only is this improving our health outcomes but it will save us money.

According to a study by the Centers for Disease Control and Prevention, the National Diabetes Prevention Program to prevent or delay nearly 885,000 cases of type 2 diabetes would save our health system about \$5.7 billion over the next 25 years. The National Diabetes Prevention Program is a public-private partnership of health organizations that work together to prevent type 2 diabetes to life style change programs right in our home communities. Given that in 2007 diabetes alone accounted for about \$116 billion in direct medical costs, it is all the more critical that we continue to invest in proven programs such as this.

I want to point out that for these investments, for every dollar we put in a childhood immunization series, it has been proven we saved \$16.50. Yet if I am not mistaken, the White House is taking about \$85 million out of this fund—penny wise and pound foolish.

Tobacco control programs: For every \$1 we invest, we are saving \$5. Chronic disease prevention: For every \$1 we spend, we save \$5.60. For workplace wellness programs: \$3.27 for every \$1 we spend. Any way you look at it, in all of these programs, just the return alone—not mentioning the productivity of people who are healthier, who don't smoke, who don't have chronic illnesses—their productivity is much higher than those who have chronic illnesses.

The list goes on and on. The Trust for America's Health released a study showing that a 5-percent reduction in

the obesity rate could yield more than \$600 billion in savings on health care costs over 20 years. Again, this is from the Trust for America's Health. A 5-percent reduction in the obesity rate, 5 percent only, could yield more than \$600 billion in savings on health care costs over 20 years.

Studies such as this confirm what common sense tells us. Your mother was right; prevention is the best medicine for our bodies and for our budgets alike. That is why nearly 800 organizations have spoken against misguided efforts to slash or eliminate the prevention fund.

Despite ill-advised efforts to cut or eliminate the prevention fund, most Americans understand what is at stake. Prior to creation of the prevention fund, for every dollar spent on health care, 75 cents went to treating patients with chronic diseases, while only 4 cents was spent on efforts to prevent those diseases. Again, before the Affordable Care Act, 75 cents of every health care dollar was spent on treating you after you got sick. Only 4 cents was spent on preventing those diseases.

This chronic underinvestment has had devastating consequences. Nearly half of American adults have at least one chronic condition. Two-thirds of the increase in health care spending between 1987 and 2000 was due to increased prevalence of chronic diseases.

We had a briefing from three highly acclaimed medical practitioners 2 or 3 weeks ago, and they pointed out that two-thirds of the money we spend in Medicare goes for treating chronic illnesses—two-thirds.

When we talk about the money we are spending on Medicare and how do we control Medicare costs, some people say we have got to make it tougher for people to get Medicare or you have got to cut down on Medicare, when the answer is staring us right straight in the face: prevention and wellness programs. For elderly people who do have a chronic condition, there are interventions that will save us money and make their lives better through prevention and wellness programs. We know that. There are evidence-based programs which are proven to work.

The prevention fund gives us an unprecedented opportunity to bend the cost curve by jumpstarting the transformation of America into a true wellness society, a society that focuses on preventing disease, saving lives and saving money.

As I said, the fund is doing both; it is saving lives and saving money. To slash this fund as the White House intends to do is bad public policy and bad priorities. To take money from the prevention fund is to cannibalize the Affordable Care Act in ways that will both cost us money and lives. I think it is a violation of both the letter and the spirit of this landmark law. Again, one more time, we know prevention saves lives.

Cancer deaths: About 567,000 people die from cancer annually in the United

States. Fifty percent of those are preventable and much cheaper than all the long-term care costs, not to mention the devastation that happens in families' lives when a parent is lost to cancer.

Preventable diseases, heart disease, diabetes, and stroke: About 796,000 people die from heart disease, diabetes, and stroke annually in the United States. Eighty percent of those are preventable. Yet we are going to cut money from the prevention fund? It doesn't make sense.

Prior to the Senate adjourning for this last recess, I put a hold on Ms. Marilyn Tavenner's nomination to serve as the Administrator for the Centers for Medicare and Medicaid Services. Ms. Tavenner, in her role as Acting Administrator, signed a directive in March that channeled critical funds away from prevention. I must say, as the chairman of the committee, and as the author of the prevention fund in the Affordable Care Act, I was never notified until the decision had been made. I was not consulted. No one was. It was just sort of signed away.

Again, I want to make it very clear the hold I put on Ms. Tavenner was not a secret hold. In fact, I don't believe in secret holds. Too often people put on secret holds and you don't know who is doing it. I would never do that. I issued my hold publicly. Why? In order to heighten public awareness of this administration's ill-advised policy decision to cut prevention money and hopefully to get the White House to start to reconsider. I wanted to give people in the White House the chance to understand that their assault on the prevention fund is shortsighted, destructive, and perhaps suggests other sources of funding for implementing and overseeing the marketplace.

Last year the administration, as I said, approved a \$5 billion—and I am correct here—a \$5 billion cut to the fund as part of the middle-class tax bill. That was last year. I thought after that we had an agreement that was not going to happen again, the clearer cut agreement.

Now the administration has made it clear they intend to move forward with even more cuts—\$332 million this year—to the prevention fund. What we are seeing from the administration is, at best, mixed signals and, at worst, a betrayal of the letter and spirit of the Affordable Care Act.

I repeat, these are bad policy choices. This choice to take money out of the prevention fund will have negative serious consequences for the future health of the American people.

Again, I don't know and I am unsure as to who is giving advice to the President, but I want to say to President Obama, I think you are getting bad advice, bad advice on where the money is coming from and how it is affecting the prevention fund, and there are other sources of funding for the marketplace other than the prevention fund.

I want to make it clear I don't want to interfere with the important work of

the Centers for Medicare and Medicaid Services. I also happen to believe Ms. Tavenner is very well qualified and strongly qualified to be the next Administrator. I believe it is urgent to have an effective leader at the helm of CMS as we enter a critical stage in implementing the Affordable Care Act.

Accordingly, I am removing my hold on her nomination. However, as I do so, I repeat, it is deeply disappointing and disturbing that the White House once again is raiding the Prevention and Public Health Fund.

I would hope Ms. Tavenner, in her future role as the head of the CMS, will understand that while she works for the President, advice and consent of the U.S. Senate might be something worth considering in her future actions. I hope and expect again that the White House will respect the intent of Congress in creating the prevention fund, not as an afterthought but as a critical feature of the Affordable Care Act—every bit as critical as the exchanges, the marketplace, and everything else.

I hope the administration will join us in fighting for the prevention fund and in making smart, evidence-based investments in prevention and wellness. This is what real health reform is about. It is not about how you pay the bills. If all we are going to do in the Affordable Care Act is jiggle around on how we pay the bills, we are sunk. Real health reform is about changing our society away from a sick-care system to a true health care system, keeping people healthy, promoting wellness, having prevention programs at every level of society, in our schools, in our workplaces, and in our communities from the earliest moments of life, immunization programs. This is for those who are elderly, who may have a chronic condition but who can control that, at less cost and with healthier lives through good prevention and wellness programs. That is what true health reform is about, and it is our best bet for creating a healthier and more prosperous Nation. To that important end, the Congress and the White House should not be working at cross purposes. We should be working together. I say we must rededicate ourselves to the great goal of creating a reformed health care system that has a major focus on prevention and wellness, not just for a few but for all Americans. That is what the intention was of the Prevention and Public Health Fund.

As I say again, and I say very clearly, I don't know who is advising the President, but I think the President is getting bad advice. I understand the President has a lot on his plate, everything from Syria to Afghanistan—a lot. I understand that.

I hope that those in the White House who are advising the President would take a closer look and find some way of replenishing that \$332 million and hopefully making some ironclad agreements that they are not going to raid the fund again next year.

I thought we had an agreement that last year was it, that \$5 billion was it. I thought we had that agreement. I was operating under that assumption. Will we take more money out of the prevention fund again next year too to meet some exigency that may come up? That is what has been wrong with our sick-care system in the past. We are so focused on paying today's bills we don't focus on the future and how to keep people healthy. We just pay today's bills, keep paying the bills and paying the bills. Like clueless dodos, we wonder why health care costs are skyrocketing. It is because we don't focus on keeping people healthy in the first place.

So I will remove my hold on Ms. Tavenner, but I hope the administration will find a way to replenish that \$332 million this year and make a firm commitment to not raiding this fund in the future.

Mr. LEAHY. Mr. President, I am glad the Senate is finally confirming David Medine as Chairman of the bipartisan Privacy and Civil Liberties Oversight Board, PCLOB. The confirmation of this nominee is a significant victory for all Americans who care about safeguarding our privacy rights and civil liberties. The American people now have a Privacy and Civil Liberties Oversight Board that is at full strength. This Board should help ensure that we honor our fundamental values as we implement a strategy to keep our Nation safe. Today's victory is also a reminder of the challenges we face, and the commitment we must keep, to protect personal privacy as new technologies emerge. Last month, the Judiciary Committee unanimously reported bipartisan legislation that Senator LEE and I authored to update the Electronic Communications Privacy Act. I hope that the Senate will promptly consider and pass this good privacy bill, as well.

The Judiciary Committee favorably reported this nomination last May along with a bipartisan group of nominees to serve as members of the Board. This nomination should not have taken a year to be considered and confirmed by the Senate. The Senate finally confirmed all of the other individuals, those nominated to serve as members of the Board, last August. Republican Senators refused to vote on the chairman's nomination. This was a needless delay and prevented the Board from functioning at full strength. This is reminiscent of how they have obstructed this President's nominees to the National Labor Relations Board and the Consumer Financial Protection Bureau, as well as so many of his judicial nominees. Now, after a year of obstruction, the Senate will finally vote on the nomination, and the Privacy and Civil Liberties Oversight Board we in Congress worked so hard to establish will finally be able to begin to carry out its important work on behalf of the American people.

The Privacy and Civil Liberties Oversight Board is a guardian of Americans'

privacy rights and civil liberties as well as an essential part of our national security strategy. When we worked to create this Board in the wake of the Nation's response to the terrorist attacks on September 11, 2001, we did so to ensure that our fundamental rights and liberties would be preserved as government takes steps to better secure our Nation. In the digital age, we must do more to protect our Nation from cyber attacks. But we must do so in a way that protects privacy and respects our fundamental freedoms.

Protecting national security and protecting Americans' fundamental rights are not in conflict. We can—and must—do both. The Privacy and Civil Liberties Oversight Board should help ensure that we do now that the Senate has finally been allowed to act on the nomination of Chairman Medine.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

The question is, Will the Senate advise and consent to the nomination of David Medine, of Maryland, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board?

Mr. GRASSLEY. 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 New Jersey (Mr. LAUTENBERG) and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 114 Ex.]

#### YEAS—53

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

#### NAYS—45

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

#### NOT VOTING—2

Lautenberg Manchinn

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.

The Senator from Washington.

#### UNANIMOUS CONSENT REQUEST— H. CON. RES. 25

Mrs. MURRAY. Madam President, I just wish to talk for a moment. I have heard a lot from my constituents that they are very tired of the dysfunction in Washington, DC. They are tired of political gridlock that impacts their businesses, their children's schools, and their paychecks. After spending last week with families and businesses that are impacted by sequestration in my home State of Washington, I know this is especially true right now.

When I became chair of the Senate Budget Committee, I said I hoped Democrats and Republicans would be able to work together to end the cycle of governing from crisis to crisis and the attempts to negotiate budget policy through brinkmanship, which we have seen far too much of in recent years.

I believe this goal is just as important today—and is, in fact, more attainable—but we need Republicans to meet us at the table and proceed to conference under regular order.

We are at a unique moment in our debate about the country's fiscal and economic challenges. Following the 2 years that the bipartisan Budget Control Act took the place of a congressional budget, the Senate returned to regular order this year and we passed a budget resolution. The House has also passed their budget, and the President weighed in with a proposal for his path going forward.

We now have an opportunity to move through regular order to try to get a bipartisan budget agreement, and we should seize it.

Democrats and Republicans have different perspectives on a wide variety of issues. But just a few months ago, it seemed that Democrats and Repub-

licans did agree on at least one thing: the budget debate should proceed through regular order.

Democrats chose to move forward with a budget resolution through committee and said that an open process through regular order was the best way to reach a bipartisan agreement. And Republicans agreed. They said once the Senate and the House passed budgets "the work of conferencing must begin." They said a conference was—and I quote—the "best vehicle" for the budget debate "because we're doing it in plain sight." They said we needed the open public debate that regular order requires.

In fact, Senator MCCONNELL said Senate Democrats should "return to regular order and transparency in the legislative process." The Obama administration has also said regular order is the way to proceed. But Senate Republicans have now blocked our efforts to move to conference, not once but twice.

Some Republicans said they want to negotiate a "framework" behind closed doors before going to conference. But that is what a budget is; it is a framework that lays out our values and our priorities and helps us plan for the country's future. I think that framework is exactly what we ought to be debating in a formal and public conference, and there is no reason to wait.

Now, I know this is not going to be easy. There are vast differences between the Senate and House budgets and the visions we each present. But I believe we will be most effective at resolving these differences if we have time for open debate and discussion and opportunities to identify common ground.

Waiting until the last minute is not a good option. The uncertainty that is caused in the lead-up to every manufactured crisis over the past 2 years has hurt our businesses, it has hurt our economy, and it is threatening our fragile economic recovery. It keeps us from planning and investing in our future, and it makes Americans question whether their government is capable of solving any problems that confront us.

I know—and we all know—there are extreme elements in our political system that think "compromise" is a dirty word. I know some Republicans think they do not have the political space to make a bipartisan deal until the very last minute of a crisis. But I believe many of our colleagues on both sides of the aisle want to return to regular order and move us away from the constant crises.

I am hoping the voices of reason win because American families and our businesses expect us to do better than running down the clock.

So I urge my Republican colleagues to join us now in proceeding to conference through regular order, as they have said we should. That is the best way to reach a deal that is the best and most responsible path for our country to move forward on.