

noting that it was “hard to imagine a candidate more worthy of bipartisan support.”

I look forward to voting with what I hope will be an overwhelming majority of my colleagues to confirm Marilyn for this very important role a little bit later this afternoon. I know I am about to give up my time and yield to the great new Senator from Massachusetts. I know she is going to be speaking about another nominee, someone with whom I have had the opportunity to visit a couple of times, for a role that may be almost as controversial as being head of CMS, being Administrator of EPA.

I want to say that in my conversations with Gina McCarthy she seems to bring a breadth of background of work at the State level, working under both Democratic and Republican administrations. I know the Senator from Massachusetts is going to speak to her qualifications, but as long as I am here I want to add my voice as well that I think Ms. McCarthy will be a great head of the EPA, and I look forward to joining my friend and colleague, the Senator from Massachusetts, in supporting her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

GINA MCCARTHY NOMINATION

Ms. WARREN. Mr. President, I want to start by thanking the senior Senator from Virginia both for advancing a nomination that we will vote on this afternoon and for his comments about Gina McCarthy. She is, as the Senator says, a quite remarkable person, and she will be a wonderful director of the Environmental Protection Agency. I very much appreciate the Senator's comments about her, and I know Ms. McCarthy does as well, and the people of Massachusetts do as well.

I rise today to do something very simple. I ask my colleagues to give a simple vote to the President's nominee to head the Environmental Protection Agency. This is not fancy or ambitious, it is just a basic principle of good government in our constitutional system.

When the Founders of our Republic came together to write the Constitution, they knew the President would need help in administering this great and expansive Nation. Without help, without a government that was staffed, justice would not be established, our common defense would be threatened, and the blessings of liberty we hoped to secure through our laws would go unfulfilled.

The Founders of our Republic gave to the President the task of nominating individuals to serve and gave us the responsibility to advise on and consent to these appointments. For more than 200 years this process has worked. Presidents over the years have nominated thousands of qualified men and women who were willing to serve in key executive branch positions.

The Senate has considered nominations in a timely fashion and taken up-

or-down votes. Of course, there have been bumps along the way, but we have never seen anything like this. Time and again, Members of this body have resorted to procedural technicalities and flatout obstructionism to block qualified nominees.

At the moment, there are 85 judicial vacancies in the U.S. courts, some of which are classified as “judicial emergencies.” That is more than double the number of judicial vacancies at the comparable point during President George W. Bush's second term. Yet right now there are 10 nominees awaiting a vote in the Senate, and they have not gotten one.

But that is not all. The nomination of the Secretary of Defense was held up for weeks and then filibustered. The nominee for the Secretary of Labor, Tom Perez, has been held up on an obscure technical maneuver. Then, of course, there is the determined effort to block Richard Cordray to head the Consumer Financial Protection Bureau—not because he is unqualified; in fact, he has received praise from industry and consumer groups alike. Even the Republicans who blocked him have praised his fairness and his evenhandedness. No, Rich Cordray is blocked because some Members of this body do not like the agency he heads. They know they do not have the votes to get rid of it or to weaken it, so instead they are holding the Director's nomination hostage.

Now we get to Gina McCarthy. This past Thursday, the Senate Environment and Public Works Committee was scheduled to vote on Gina McCarthy's nomination to head the Environmental Protection Agency. Right before the scheduled vote, all the Republicans decided not to show up. Under Senate rules, that meant there was no quorum and thus the vote could not take place.

The President has done his job. He named an outstanding nominee for the Administrator of the Environmental Protection Agency, Gina McCarthy. Gina has dedicated her professional life to the protection of our public health and to the stewardship of our environment. She was confirmed to her previous position at the EPA as Assistant Administrator for Air and Radiation by voice vote without objection.

Just to be clear, this means most of the Members of this Chamber have already voted to approve her once before.

Gina also has a long record of working effectively across party lines. She served under Republican and Democratic Governors alike, including working for Gov. Mitt Romney, the most recent Republican Presidential nominee. Her record in Massachusetts was stellar, and she has done all of us in the Commonwealth proud through her service in Washington.

Gina herself has also done her job and more. She has answered a staggering 1,120 questions from the Environment and Public Works Committee. That is the largest number of questions ever asked of a nominee facing a Sen-

ate confirmation. To put this in some perspective, 4 years ago the last confirmed Administrator of the EPA, Lisa Jackson, was asked 157 questions during her nomination process.

When Congress convened in January, many of us, both veterans and newcomers, were concerned that this kind of obstructionism would persist in the new Congress. We pushed hard for changes to the filibuster rules. We understood passions on both sides of the issue, and we listened to our colleagues. Ultimately, the two sides reached a compromise, a compromise that many of us were concerned about, but it included a clear understanding that the Democrats would not make substantial changes to the filibuster and, in return, the Republicans would not abuse its use. But in the past 3 months, abuse has been piled on abuse. Republicans have prevented votes on judges, on agency heads, and on administration Secretaries.

This is wrong. Republicans can vote no on any nominee they choose, but blocking a vote is nothing more than obstructionism. Blocking the business of government, the business of protecting people from cheating credit card companies, from mercury in the water or from unfair labor practices must stop.

The President has done his job. Gina McCarthy has done her job. Now it is time for the Senate to do its job. Gina McCarthy deserves a vote.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Hampshire is recognized.

Mrs. SHAHEEN. I am here to join my colleague Senator WARREN to also express my frustration about what is happening with the nominees to these critical agencies that are being held up by our colleagues on the other side of the aisle. As Senator WARREN said very eloquently, last week the Republican members of the Senate Environment and Public Works Committee chose not to appear for the important business of considering the nomination of Gina McCarthy. They made this decision with only a few minutes' notice. As a result, this action prevented an already overdue vote from taking place as scheduled.

The refusal to allow a vote on such fundamental business is unacceptable. The EPA conducts vital work to safeguard public health and protect our environment. Yet the agency has been without permanent leadership for months. It is the Senate's duty to act in a timely manner on these kinds of vacancies, and it is clear from Ms. McCarthy's impressive and expansive record that this nominee has earned and deserves a vote.

I understand and I respect those Senators who feel they have to vote against a nominee for substantive reasons. However, this failure to even appear at last Thursday's meeting and take a vote shows an alarming level of disregard for the importance of permanent leadership at the EPA and for the

Senate's confirmation process. As Senator WARREN said, committee Republicans have already asked Ms. McCarthy to answer over 1,100 questions for the record, more than three times what any previous nominee for this position has faced. She has provided 234 pages of answers, and it is past time that the committee held a vote. We need to move forward on filling the position of EPA Administrator so the agency can resume addressing today's public health challenges in the most effective manner.

Simply put, the type of obstructionism we saw last week has no place in this Senate, no place in our government, particularly for a position as critical as this one. In addition to its work to reduce harmful pollution at the national level, the EPA plays a vital role in safeguarding public health in our local communities.

For example, in my State of New Hampshire, testing in 2009 revealed elevated levels of contaminants in the wells of homeowners living in the town of Raymond because of their proximity to a Superfund site. Following this discovery, we worked with the EPA, with the State Department of Environmental Services, and with the town of Raymond to find a solution that would address the health concerns because the families didn't have safe drinking water. With the EPA's support, the town has extended its water lines to ensure that these homeowners and their families can be provided access to safe clean drinking water.

I had the opportunity to view the progress of this construction project in person last year. I applaud the EPA for working with communities on vital local priorities such as this.

Communities across our country face public health challenges, and the EPA plays an important role in addressing these challenges. Even now we are working in New Hampshire in a similar situation where wells have been contaminated in the town of Atkinson.

We can't continue to delay the Senate's responsibilities to provide agencies such as the EPA with the leadership they need to operate. With 30 years of public service in a variety of roles, Ms. McCarthy has both the experience and the expertise to do the critical job of leading the EPA. Her expansive and lengthy career is rooted in working at the forefront of pressing environmental issues for leading New England Governors of both political parties.

Most recently, Gina McCarthy served in Connecticut's Department of Environmental Protection under former Republican Gov. Jodi Rell. Before that, Ms. McCarthy served five different Massachusetts Governors, including Michael Dukakis and Mitt Romney—the Republican Party's own nominee for President in last year's election.

These diverse work experiences on a broad range of environmental issues have provided Ms. McCarthy with the first-hand knowledge of environmental

and public health challenges we face. They are evidence of her ability to work with people on both sides of the aisle to address the problems faced as we look at agencies such as the EPA.

Ms. McCarthy was confirmed by the Senate to her current EPA post with overwhelming bipartisan support in 2009. That makes the boycott last week even more shocking. In her current role as the Assistant Administrator for the Office of Air and Radiation, Ms. McCarthy has worked with environmental advocates and industry leaders to reduce harmful emissions that threaten clean air. These efforts are particularly significant for downwind regions such as in New England, where we serve as the tailpipe to the rest of the Nation and suffer the effects of pollution from coal-fired powerplants in the middle part of the country. I am sure the Chair understands this issue.

In recognition of her successful tenure, Ms. McCarthy has received widespread praise from a diverse group of industry leaders who recognize her ability to find common ground and compromise.

Coming from New Hampshire, which is the second most forested State in the Nation, I know New Hampshire's forest products industry will benefit from an EPA Administrator with a strong reputation for constructive dialog. Following Ms. McCarthy's nomination, Donna Harman of the American Forest and Paper Association described her by saying: "She's very data- and fact-driven, and that's been helpful for us as well as the entire business community."

Leaders in an array of other sectors have voiced similar appreciation for the way in which Ms. McCarthy values finding common ground. Heaven knows we can use some common ground here.

Robert Engel of the American Automotive Policy Council praised the care she takes in listening to stakeholders, saying:

We look forward to continuing to work with Gina McCarthy. She has demonstrated a willingness to consider the views of those affected by the agency she has been nominated to lead, and to find practical solutions to issues facing the automobile industry.

These words describe a public servant who understands the importance of listening, understanding, and bringing stakeholders together.

I am confident Gina McCarthy will be an excellent leader of the EPA. She deserves fair consideration. She deserves a timely vote.

I am pleased we received news that there will be a rescheduled vote later this week. I urge my colleagues across the aisle to move forward in good faith and give fair consideration to this nominee. The EPA must have a permanent Administrator who is an advocate for protecting public health and providing valuable support to our Nation's communities.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, what is the parliamentary procedure?

The PRESIDING OFFICER. The Senate is considering the Tavenner nomination en bloc and at 4:30 p.m. unanimous consent to move to a vote.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to speak on another matter, as well as on the Marilyn Tavenner matter. Frankly, my remarks will take more than 4 minutes, so to what degree we can get the Senate to postpone votes, we will be working on that as I am speaking.

THE INTERNAL REVENUE SERVICE

Mr. President, over the last 5 days, information that I can describe only as very troubling has emerged about a systematic practice by the IRS to target conservative groups seeking tax-exempt status.

According to a report released last night by the Inspector General for Tax Administration, the IRS developed and used inappropriate criteria to identify applications from organizations applying for tax-exempt status based "upon their names or policy positions instead of indications of potential political campaign intervention."

In addition, the 48-page report finds that ineffective management of the IRS allowed for this inappropriate practice to stay in place for more than 18 months, resulted in substantial delays in processing certain applications, and allowed unnecessary information requests to be issued.

While the inspector general report does not say the IRS was intentionally partisan, it did find that the agency's narrow focus of the criteria gives the appearance that the IRS was not impartial in conducting its mission.

These actions by the IRS, if true, are a clear breach of the public's trust. Targeting groups based on their political views is not only inappropriate, but it is intolerable, unacceptable, and cannot be allowed.

I intend to get to the bottom of what happened. The inspector general's report is just the beginning. There are still many unanswered questions. The Senate Finance Committee, which has congressional oversight over the IRS, has just begun what will be a thorough investigation.

Some are now using this issue to try to score political points. Some of my friends across the aisle are claiming the IRS was just doing what Democrats wanted in examining these conservative groups.

Let me clear up this misperception. I, for one, have never advocated targeting conservative groups. This is important, let me be clear. What I have called for in the past, especially in 2010, and continue to call for today is closer examination of any and all groups already granted or applying for tax-exempt status—let me say that again, any and all groups.

Since the Citizens United case decided by the Supreme Court, there has been a dramatic increase in political