

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

organizations masquerading as social welfare groups. We need to make sure these groups are complying with IRS political activity rules.

Any group claiming tax-exempt status under section 501(c)(4) of the Internal Revenue Code needs to prove it is following the letter of the law.

As the New York Times noted yesterday, "No one has an automatic right to this tax exemption. Those seeking one should expect close scrutiny from the government to ensure it is not evading taxes."

While I expect the scrutiny of the IRS to be thorough, I also expect it to be administered equally across the board, on conservative or liberal organizations and any in between.

Americans expect the IRS to do its job without passion or prejudice. The IRS can't pick one group for closer examination and give the other a free pass. But that is apparently what they did here. That was the agency's big mistake, and now they have to answer for it.

The Senate Finance Committee has launched a formal bipartisan investigation. A team of investigators from my staff and the staff of Senator HATCH has begun compiling questions and seeking additional documents from the IRS. There seems to be some inconsistencies in the timeline regarding who knew what and when, and we will get to the bottom of it.

As part of the investigation, I went straight to the top and met with Acting Commissioner Steve Miller yesterday. It was a tough talk. I told Mr. MILLER the actions of the IRS were inexcusable and warned he is in for serious questioning from this committee and from others. I told Mr. MILLER the committee demanded nothing less than his complete cooperation and total transparency.

The Finance Committee will hold a hearing on Tuesday to examine this issue. There needs to be a full accounting of what happened at the IRS and who knew what, when, how long did this practice go on, and what other groups were flagged for additional scrutiny.

There is another important question that needs to be asked: Is there a fault in the Tax Code that may have contributed to the IRS taking such unacceptable steps? Do we need a better definition of what organizations qualify for tax exemption? Do we need to revisit the role tax-exempt organizations play in our political system? What part of the Tax Code has to be changed for us to guarantee this overreach never happens again? And there are many more questions.

This will be an issue we delve into in tax reform as well. Clearly, something is amiss for the IRS to behave the way it did. The actions of the IRS are unacceptable and people will be held accountable.

TAX REFORM

Mr. President, let me take a moment to turn briefly to a related topic. As

some may know, the Senate Finance Committee has been working on comprehensive tax reform for the last 2 years. We have held more than 30 hearings and heard from hundreds of experts on how tax reform can simplify the system for families, spark economic growth, create jobs, and make U.S. businesses more competitive.

Last Thursday I teamed with House Ways and Means Committee Chairman DAVE CAMP to launch a Web site to get even more input directly from the American people. We launched taxreform.gov to give folks in Montana, in Michigan, and all across America an opportunity to weigh in on tax reform. Since the launch of the site less than a week ago, we have received thousands of ideas directly from the American people on how to improve the Code.

I want to thank all those who have shared their ideas and opinions, and I encourage more people to log on to taxreform.gov to let us know what they think of the Nation's tax system and what it should look like.

NOMINATION OF MARILYN TAVENNER

Mr. President, if I might, one other issue I want to address is the nomination of Marilyn Tavenner.

Marilyn Tavenner has been nominated to be Administrator for the Centers of Medicare and Medicaid Services, otherwise known as CMS. As head of CMS, Ms. Tavenner would be in charge of administering Medicare, Medicaid, and the Children's Health Insurance Program, among others.

Roughly one in three Americans relies on health coverage under the jurisdictions of CMS—one in three. This includes 50 million Medicare patients, 56 million Medicaid patients, and more than 5.5 million children in the Children's Health Insurance Program. In my home State of Montana, 167,000 seniors and 8,300 military retirees rely on Medicare alone.

Marilyn Tavenner is an experienced health care professional. She has proven herself to be a strong leader, and I believe she is the right woman to lead CMS, a view shared by my colleagues on both sides of the aisle.

Ms. Tavenner is a proud native Virginian and her congressional delegation, all of them, warmly introduced her—if they were all not there, in spirit—at a confirmation hearing before the Finance Committee last month. Democratic Senators MARK WARNER and TIM Kaine and Republican House majority leader ERIC CANTOR all spoke on her behalf. Here is what House majority leader CANTOR said:

I don't think there is any secret that I differ with the Obama administration in a lot of matters in health care policy . . . but if there is anyone that I trust to try to navigate [these] challenges, it is Marilyn Tavenner.

Two weeks ago, the Finance Committee approved Ms. Tavenner's nomination with a unanimous vote. She has earned this broad support from both sides of the aisle and the confidence of

many of us because of her demonstrated abilities.

She started as a nurse, quickly rose through the ranks to become a hospital administrator, served 4 years as Virginia's Secretary of Health and Human Resources before joining CMS in 2010, and she has served as acting administrator for the last year and a half. I am confident we will get a strong vote for this nomination because Marilyn Tavenner has a reputation for being a pragmatist and a person who doesn't give up.

One story I wish to share—and this is important—is of Marilyn working the night shift in the intensive care unit at Johnston-Willis Hospital in Richmond, VA, as a nurse. At 2 a.m. a rescue squad brought in a young woman to the emergency room. She had been in a terrible car accident and crashed through the windshield of her old Volkswagen bug. Badly injured and having suffered massive blood loss, she was pronounced dead. But Ms. Tavenner and the doctors went to work to revive her. The surgeon on call told reporters:

We came up with a game plan, and it was right on target. We used about 60 units of blood. Marilyn was very supportive in everything . . . The patient ultimately walked out of the hospital.

That is Marilyn Tavenner. She doesn't give up. We need that type of leader at CMS, believe me. Her experience in health care is real, it is varied, and it will serve us well in this position.

One final note. As someone pointed out, CMS has operated without a confirmed administrator for several years, so I am glad we are moving forward with this nomination. We need a confirmed administrator, with all the work she has to do, especially implementing the Affordable Care Act. That was an essential bill that created good law. In a few months the health care marketplaces will be open for enrollment, and tax credits and subsidies will be available to help families and small businesses pay for health care. It is a critical time to have someone with Ms. Tavenner's experience confirmed and in charge at CMS. She has done a good job in the past, and she will do a good job in the future.

I urge my colleagues to support me in supporting her nomination.

• Mr. CASEY. Mr. President, I support the nomination of Marilyn Tavenner to be the Administrator of the Centers for Medicare and Medicaid Services, CMS. I strongly support her nomination and was sorry to miss today's vote. I voted for her confirmation in the Finance Committee and would have done so today as well.

It has been over 6 years since CMS has had a confirmed Administrator, and the agency will benefit from having someone with Ms. Tavenner's skills and expertise at the helm. Her experience as the Secretary of Health and Human Resources in Virginia and with the Hospital Corporation of America as well as the time she has already served