

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

as Acting Administrator and Principal Deputy Administrator of CMS have prepared her well for the challenges and opportunities she will confront in this position.

I thank her for her willingness to serve at this important time, and I look forward to working with her in the months and years ahead.●

The PRESIDING OFFICER. Under the previous order, the question is: Will the Senate advise and consent to the nomination of William H. Orrick, III, of the District of Columbia, to be United States District Judge for the Northern District of California?

Mrs. BOXER. 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 called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting the Senator from Tennessee (Mr. CORKER) would have voted "no."

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—56

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

NAYS—41

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

NOT VOTING—3

Casey	Corker	Lautenberg
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote on the Tavenner nomination.

The question is, Will the Senate advise and consent to the nomination of Marilyn B. Tavenner, of Virginia, to be Administrator of the Centers for Medicare and Medicaid Services?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 126 Ex.]

YEAS—91

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

NAYS—7

Crapo	Lee	Risch
Cruz	McConnell	
Johnson (WI)	Paul	

NOT VOTING—2

Casey	Lautenberg
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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.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 73, S. 954.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 73, S. 954, a bill to reauthorize agricultural programs through 2018.

The PRESIDING OFFICER. The Senator from Mississippi.

DISTURBING BEHAVIOR

Mr. WICKER. Mr. President, I rise this evening to discuss a disturbing pattern of behavior, a culture of intimidation that continues to emerge from the Obama administration.

For the past few days, headline after headline has revealed one new controversy after another. In every case Americans are right to wonder what kind of leadership led to this and just how far this culture of intimidation goes.

Americans need to learn the extent to which this misconduct has occurred by the heavy hand of the executive branch of government.

The first indication was on Friday of last week, and it involved the Internal Revenue Service issuing an apology for targeting conservative groups seeking nonprofit status and treating conservative groups more harshly than other groups.

These groups were excessively scrutinized if they used the words "patriot" or "tea party." As we would later learn from the inspector general report, not only were these groups targeted, but senior officials knew about it for at least a year and made no report to the Congress. It has also been confirmed that confidential information about some of these groups was leaked to the liberal nonprofit group ProPublica.

The whole situation disgraces the basic constitutional freedoms to which every American is entitled. It is appalling that Americans have been deliberately targeted for IRS scrutiny based on their political beliefs or affiliations. No American should fear arbitrary government harassment simply because of the expression of his or her views.

The administration needs to be held accountable for its failure to protect Americans. An apology is not sufficient in this instance. An internal inspector general investigation talking about mismanagement errors will not suffice in this instance. The acknowledgement that mistakes were made and that changes, indeed, need to be made will not, in and of itself, rebuild the public trust that has been broken.

Particularly troubling is that the IRS is not the only agency in which these types of abuses have occurred. Americans are also right to be outraged by the news that Health and Human Services Secretary Kathleen Sebelius has been fundraising among the industry people she regulates on behalf of the President's health care law.

As reported in the Washington Post on May 10, Secretary Sebelius "has gone, hat in hand, to health industry officials, asking them to make large financial donations."