

Ted Kennedy said that in 2007. He always spoke from back here, and I can still hear his booming voice, and I can hear him saying this. Our friend Ted Kennedy was right, and I believe the time for commonsense immigration reform has come. I am sorry Senator Kennedy is not alive to see the widespread bipartisan support for the legislation being considered today in the Judiciary Committee, legislation that I will shortly bring before the full Senate. Senator Kennedy would be very satisfied with the efforts of the Gang of 8—four Democrats and four Republicans.

Even though Ted Kennedy was known as one of America's great progressives, his legacy is that he worked with liberals, conservatives, Independents—he worked with everyone—to get work done. He always was willing to set aside partisanship, and that is what the Gang of 8 has done and that is why he would like this so much.

This Gang of 8 has addressed a critical issue facing our Nation, and he would applaud the work of the Senate Judiciary Committee and the leadership of his long-time friend he served with on that committee for, oh, it must be four decades. Kennedy and LEAHY, they did a lot of work together, and Senator LEAHY has done so much in this committee—work that he has done in the last several weeks to refine and perfect the reasonable proposal of the Gang of 8.

So it is gratifying to see the momentum behind commonsense reforms that will make our country safer and help 11 million undocumented immigrants get right with the law. Although neither Republicans nor Democrats will support each and every proposal or aspect of this legislation, it is reassuring to see the diverse coalition that has formed in support of real reform, commonsense reform—reform that improves our dysfunctional legal immigration system, reform that continues to secure our borders, reform that requires 11 million undocumented people to pass a criminal background check, and pay fines and taxes to start on the path to earn their citizenship. We can't do this piecemeal, and we can't do it without a pathway to earning citizenship.

The thorough and open process underway in the Judiciary Committee is exemplary of how the Senate should work. So far the committee has considered 62 amendments to the original proposal, some from Democrats and some from Republicans. In fact, the committee has adopted 12 Republican amendments, including measures to strengthen the border and improve our legal immigration system.

The Senate completed work on important water resource legislation yesterday—a lot is going on in the Senate—and we are now going to begin consideration of a crucial piece of legislation dealing with agriculture. I commend and applaud the chairman of that committee DEBBIE STABENOW. She

is a very good legislator. They got the bill out of that committee in a very quick fashion. So I repeat, I admire what she has done. She also has a new ranking member there, THAD COCHRAN from Mississippi, who is a fine man and a good legislator.

As I have said, as soon as it is ready, I am going to bring that immigration legislation to the floor. We are going to start on the farm bill Monday, and I am going to bring the immigration bill to the floor regardless of whether we have completed action on the farm bill. Although immigration is a complex and controversial issue that deserves ample time for thoughtful debate and consideration, it is also too important to delay action any longer.

As a Senator from Nevada and whose father-in-law was born in Russia and immigrated to the United States, I have witnessed firsthand the heartbreak of our broken immigration system. I see the heartbreak it has caused for immigrants and their families. So this issue is very personal to me, as I have just indicated, and it is very personal to every immigrant family striving to build a better life in America. That is why they came here.

The time has come for permanent solutions—solutions that are tough but fair, solutions that fix our broken legal immigration system, solutions that punish unscrupulous employers that exploit immigrants and drag down wages for every worker in America, solutions that pull 11 million people out of the shadows so they can pay taxes, learn English, and get right with the law, solutions that put them on the path to citizenship so they can contribute fully to their communities and to this country.

I will do everything in my power to have this bill become law. I am confident the time is right. As Senator Kennedy put it, the kind of comprehensive reform that our ideals and our national security demand.

#### RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would you announce the work in the Senate today.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

##### NOMINATION OF ERNEST J. MONIZ TO BE SECRETARY OF ENERGY

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 Ernest J. Moniz, of Massachusetts, to be Secretary of Energy.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 3 hours for debate equally divided in the usual form.

Mr. REID. Mr. President, I ask unanimous consent that when the Republican leader finishes his time and a quorum call is made, that the time during the quorum be equally divided between the two sides.

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

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### IRS INVESTIGATION

Mr. MCCONNELL. Mr. President, last night the President took an important symbolic step in accepting the resignation of acting IRS Commissioner Miller. I had called for this resignation on Monday, when we learned Mr. Miller signed his name to one, if not more, letters that we now know couldn't possibly have been truthful—couldn't possibly have been truthful. But let us be clear: This symbolic step was just that, symbolic.

What Americans want right now is answers about what happened at the IRS, why it wasn't disclosed earlier, who is ultimately accountable for this behavior, and assurances this kind of thing isn't going to go on at the IRS or anywhere else in the Federal Government because the allegations of ideological targeting only continue to multiply. This is continuing to multiply.

This morning I would like to focus on just one of those incidents. It is the case of a group called the National Organization for Marriage. Last May Senator HATCH, the top Republican on the Finance Committee, sent a letter to the IRS inquiring about reports that someone—someone—at the IRS had leaked confidential donor information from NOM—the National Organization for Marriage—to an advocacy group whose political goals were in direct conflict with its own.

NOM has since released documents suggesting that this information came from one source—from within the IRS itself.

All this took place, by the way, in the middle of a national political campaign. Significantly, one of the NOM donors whose name was leaked was none other than Mitt Romney.

And what about the group it was leaked to?

It was headed by a guy who was named a national co-chair of the Obama campaign, and who published the confidential donor information on the website of the organization he ran, an organization opposed to the goals of NOM.

So here is another situation that, at the very least, clearly merits investigation.

There are allegations here that someone at the IRS committed a very serious crime that had the effect of chilling the speech of a political organization that happened to be on the wrong side of the current administration.

Yet, a year later, Senator HATCH has yet to hear anything back from the

IRS. And, according to the folks at NOM, neither have they.

Last year the people at NOM said they brought their concerns about this potentially illegal activity to the IRS and the Justice Department. They say they even hired a forensic specialist to prove that the document that was leaked had originated at the IRS.

According to NOM, the forensics guy knew the document came from the IRS because it bore a watermark distinctive to the agency. And they say they had to hire him—get this—because the IRS asked NOM if they had leaked the confidential information themselves. So they say they provided evidence to show they had not leaked it themselves, and then earlier this year they asked the IRS to release all the information about their complaint, which had apparently reached a dead end at the IRS. And here is what they say they've gotten back: crickets.

They say they have not heard a thing from the IRS or the DOJ about this potentially illegal breach of their confidential donor information—even as they have poured significant resources of their own into the investigation, and, according to them, seen some of their supporters scared off.

Think about that: the IRS has not had the time to respond to this group, or the Finance Committee—a full year after their confidential donor information appears to have been leaked, from inside the IRS, to one of NOM's ideological opponents.

But when the liberal group ProPublica requested confidential information about conservative groups, the IRS got back to those folks with the information they wanted in about two weeks.

This is exactly the kind of thing I have been warning about for more than a year. Here is a group with an agenda that runs counter to that of the administration. Somebody over at the IRS gets a hold of their donor lists. And leaks it to their opponents.

Why? So anybody who thinks about supporting them thinks twice. This is what government intimidation and harassment looks like. It is completely unacceptable.

The idea that you have got to move heaven and earth to get somebody in the Federal Government to lift a finger to get to the bottom of it is an outrage. This is the kind of thing that people should be tripping over themselves to resolve. Yet Senator HATCH is still waiting on a response to a letter he sent about it to the IRS commissioner—last May!

No one should be intimidated by the government into shutting up as part of our political process.

That is why the Republican members of the Finance Committee are sending a letter today to Treasury's Inspector General for Tax Administration requesting investigation into this very issue.

Because, without this sort of inquiry, we may never have confirmed the inap-

propriate harassment of conservative groups that was going on at the IRS for two years.

Apparently, this is the only way to get this administration to take responsibility for its actions.

We are determined to do that, because there is a very dangerous precedent being set here. I will say it again: Americans, be they conservative or liberal, should be free to participate in the political process without fear of harassment or intimidation from their own government.

I would also like to note that, last month, the Secretary of Energy nominee, Dr. Ernest Moniz, was cleared by the Senate Energy and Natural Resources Committee with robust bipartisan support. The full Senate will likely vote on his nomination today.

A number of my colleagues and I are optimistic about Dr. Moniz's pragmatic approach to solving America's energy challenges.

In particular, I look forward to working with him on finding a sustainable, long-term solution for the Paducah Gaseous Diffusion Plant—a facility that benefits our country, its community, and the many dedicated workers who work there.

I yield the floor.

Mr. WYDEN. Mr. President, the nomination of Dr. Ernest Moniz to head the Department of Energy is now the pending business in the Senate. I would like to discuss the nomination. I note my friend and colleague Senator MURKOWSKI is here. Both of us will take a short amount of time to discuss Dr. Moniz's qualifications.

I urge colleagues on both sides of the aisle to support the nomination of Dr. Ernest Moniz to serve as the Secretary of Energy. Dr. Moniz is smart about energy policy, he is savvy about how the Department of Energy operates, and he is solution-oriented, which is what Democrats and Republicans on the Senate Energy and Natural Resources Committee saw when he was before our committee to consider his nomination.

I am going to talk about why I believe Dr. Moniz is well qualified to spearhead our efforts to evolve our country's energy system, to increase domestic sources, emit less carbon, and to bolster our economy. First, though, I would like to talk for a few minutes about the job Dr. Moniz will be stepping into once he is confirmed.

Right now the Energy Department is at the center of issues that are hugely consequential to our economy and the environment. They are how to manage the newly accessible reserves of natural gas, combating climate change, and making our economy more efficient. Certainly front and center is how, on a bipartisan approach, we can support the development of new energy technology. I believe our country needs that kind of energy to transition to a lower carbon economy. It is built on three pillars: strong economic growth, shrinking our carbon footprint, and spurring energy innovation.

What is unique about this moment is that now, on the issue of energy, our country is truly in a position of strength. Historically, lawmakers have avoided energy issues until there was a short-term crisis. Usually that crisis is a spike in the price of gasoline. Then, as we know, there is a big hue and cry to pass a "comprehensive energy bill," and it ends up being "comprehensive" and still lasts a relatively short period of time, maybe a year and a half or 2 years, until there is another hue and cry to pass yet one more comprehensive bill.

Right now, the Congress and the executive branch—the Energy Department—are in a rare position, a position where we can make policy at a time when our country does not face those kinds of short-term calamities. I say that in no way minimizing the extraordinary challenge of climate change. In my view that is a potential catastrophe that needs real and immediate action, and it is something that cannot be ducked or ignored.

On energy, however, the usual calculus has been flipped on its head. New technologies have located potentially huge supplies of natural gas as well as new oil reserves. At the same time, thanks to a combination of improved efficiency, increased renewable power generation, and a rise of affordable natural gas supplies, our carbon emissions actually fell recently. A decade ago no one dreamed of either of those facts.

One of the most immediate issues that will face Dr. Moniz, if he is confirmed, is the question of how our country can maximize the benefits of unconventional shale gas. Abundant, low-cost natural gas provides our country right now with a competitive, economic advantage. The reality is all over the world others want our gas. Our competitors in Europe and Asia—where the costs are four or five times as high as our manufacturers—want what we have.

I think it is obvious that this is also a national security advantage. We will be able to rely on our own energy resources instead of sources which come from unstable parts of the world that certainly don't wish the United States well.

I was encouraged by the commitment Dr. Moniz made to me to use the best, most recent data to look at questions, such as how building natural gas export terminals is going to affect the areas adjacent to those facilities as well as the larger American economy.

From my experience of working with Dr. Moniz, I think he is more than up to the big challenges our country faces as we deal with this historic transition in our energy sector. He knows how the Department works from the inside, and he knows it because he actually has experience there.

With his background as a well-respected scientist, I am confident Dr. Moniz is going to use the best science and most current data in considering key policy issues. He has shown he will

take an independent, data-driven approach as a professor of MIT and director of that university's energy initiative. They have led numerous cutting-edge studies on a range of energy issues.

In one sense the Department of Energy ought to be called the department of innovation. One of the bright lights there is the Advanced Research Projects Agency, what is called ARPA-E, which funds research with the potential to produce major breakthroughs in energy technology. It was authorized in 2005, and it was Dr. Moniz's predecessor, Secretary Steven Chu, who oversaw the first project there and, to his credit, he was an important champion for that agency in its early days.

One of the dozens of efforts that was supported by ARPA-E, for example, is a project at the University of North Dakota which aims to reduce water usage of powerplants. According to the Department of Energy, the university is testing an air-cooled absorbent liquid that retains and releases moisture to cool powerplants that could result in efficient power production with minimal water loss.

I think it would be fair to say we could put together a pretty impressive filibuster if any one of us wanted to describe the various types of research going on or the research funded by the Department. They are leading research in a number of areas our country needs to work on if we are to achieve that objective I have staked out, and that is to secure a lower carbon economy.

As far as energy efficiency, the lowest cost way to reduce energy use and cut emissions is going to be a big part of the Department's mission in the next 4 years. Our committee is moving ahead in that area, starting with yet another bipartisan bill, the Shaheen-Portman legislation that, in my view, is the standard bearer now for energy-efficient legislation. We passed it out of the committee with broad bipartisan support, and I hope it will come to the floor of the Senate very soon.

The Department is also doing important work on carbon capture, carbon sequestration, and utilization—trapping emissions from fossil fuel operations and storing them underground to reduce the impacts to our climate. The chair of our Public Lands, Forests, and Mining Subcommittee—my friend Senator MANCHIN—has a great interest in this particular area, and Dr. Moniz, to his credit, has said this is an area which deserves a significant amount of attention.

DOE research has also helped show that natural gas and renewables are not mutually exclusive. This country does not have to choose between the two. In fact, natural gas plants, in my view, make great partners for intermittent renewables such as wind and solar because they can fire up and power down quickly. That is a very important part of our future energy agenda. We want to have more wind and solar. We know they are intermittent sources.

Some of the challenges, as the President of the Senate knows, are about how to find innovative approaches to storage, and looking at natural gas to help us get wind and solar into our baseload power structure. So this is an important issue.

Renewables can also benefit natural gas. The Energy Department's Pacific Northwest National Lab in Richland, WA—across the river from Oregon—is going to soon test a project to use solar energy to make natural gas plants 20 percent more efficient.

I am not going to pretend to know everything about engineering, but I think it is worth noting that the New York Times said earlier this month the idea that is being explored in Richland, WA, would use concentrated solar rays to heat natural gas and water to about 1,300 degrees Fahrenheit and break open the natural gas and water molecules. The result would create synthetic gas, which burns more efficiently than natural gas alone. This would give us more energy for every molecule of gas burned, which means lower costs and reduced greenhouse gas emissions. This is just one of many projects the Department is backing. They are not sure which are going to ultimately pan out, but the potential for breakthroughs—such as the one I have described—is exactly why it is so important for the Energy Department to have a broad research portfolio.

Our country's competitors are not sitting back waiting for our country to do all of the world's innovation. China, Germany, and others are pouring resources into R&D to try and get an advantage. The fact that we have our Energy Department on the front lines of this fight to show the world how to innovate is a huge American asset.

A significant portion of the Energy Department's budget goes into an office that is described as Environmental Management, which essentially means cleaning up America's radioactive nuclear waste. There are 17 active sites the Department is currently cleaning up, including the Hanford site in southeastern Washington. Whistleblowers and independent watchdogs, such as the Defense Nuclear Facilities Safety Board, have identified some troubling problems with how waste is stored in Hanford—including the potential for hydrogen to build up and explode in several waste tanks. They have also flagged ongoing design issues with the facility that will treat the site's nuclear waste—another matter the Department of Energy must solve.

People who live near Hanford and depend on the Columbia River received some welcome assurances from Dr. Moniz. At the hearing, Senator MURKOWSKI and I brought some of these issues up where Dr. Moniz said the status quo with respect to the Department of Energy on Hanford is not acceptable. I look forward to working with them on that long-term solution.

Finally, I think it is fair to say Dr. Moniz—and it is appropriate to close

with this—has a long track record of collaboration. That is why I mentioned early on he showed in his confirmation hearing—and he showed Democrats and Republicans alike—that he is solution-oriented and collaborative on the difficult questions which are ahead. He brings that scientific credibility, which I have outlined, with real-world policy experience that is so important to managing a major Federal agency.

There has been bipartisan support expressed from my colleagues on both sides of the aisle for Dr. Moniz in a usually gridlocked Congress. I feel as though C-SPAN ought to put out a warning to viewers not to adjust their television because this really is how the Senate ought to be working.

One of the reasons we had the bipartisan approach on energy issues I have been discussing—and it was demonstrated again this morning in the energy committee meeting—is because my friend and colleague Senator MURKOWSKI consistently meets me at least halfway, and often more, on these big issues. I thank the Senator from Alaska for that cooperation on the Moniz nomination and many other matters. I look forward to Senator MURKOWSKI's comments.

I see other colleagues here who may wish to speak at this time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to follow my friend and colleague Senator WYDEN from Oregon, the chairman of the energy committee, to speak today about the confirmation of Dr. Ernest Moniz to be our Nation's Secretary of Energy.

I think it is good when we are able to stand as the chairman and the ranking member and come to terms of agreement so far as support for an individual for a position such as Secretary of Energy. This is an important position within this administration. It is an important position just from the perspective of how we move forward in this country while we deal with our energy issues and our energy future, which I think is where we get relatively enthusiastic about this nomination.

Again, I thank the chairman of the Energy and Natural Resources Committee, my friend from Oregon, for his leadership in advancing the nomination to the finish line.

I also want to recognize and thank the members of our committee for their very thoughtful questions. When we had Dr. Moniz before the committee, it was perhaps one of the smoother confirmation hearings we have had in quite some time.

I also thank the full Senate for working with us so we can fulfill our constitutional responsibility for advice and consent here today.

Before I speak to Dr. Moniz's qualifications—and I do think Senator WYDEN has addressed those very well—I wish to take a moment to discuss the agency he will soon lead.

The Department of Energy was created back in 1977. It was created following the oil embargo which caused the gasoline shortages we saw around the country. The architects—those who put together the contours of DOE—were surveying a very different energy landscape than we face today.

Back in 1977, energy was viewed from the position of scarcity rather than the abundance we recognize today. Those architects, as they defined what a Department of Energy would look like and what it would hope to achieve, as well as the mission set there, had some pretty high hopes for what the Department would accomplish.

I think what we need to do is look back to that organic act which states that DOE would “promote the general welfare by assuring coordinated and effective administration of Federal energy policy and programs.” That is pretty simple.

That same act goes on to list 18 different purposes, a few of which bear repeating. One of them is to assure, to the maximum extent practical, that the productive capacity of private enterprise shall be utilized in the development and achievement of the policy and purposes of the act.

Another one of those purposes is to provide for the cooperation of Federal, State, and local governments in the development and implementation of national energy policies and programs.

A third purpose is to carry out the planning, coordination, support, and management of a balanced and comprehensive energy research and development program.

Looking back at DOE’s creation is a reminder of how far we have come and yet how far we still have to go in achieving these various purposes that were set out in that organic act.

Today the Department is a major department. It has a budget of more than \$25 billion each year. Thousands of scientists work on cutting-edge technologies at our national labs as they look for breakthroughs and manage our nuclear weapons programs.

Yet more than three decades later, it would be difficult to find many who truly believe we have achieved this coordinated and effective administration of Federal energy policy. In fact, we are going to have some who would disagree as to whether we have developed a Federal energy policy that adequately serves our national needs. Instead, we have seen energy-related programs and initiatives that are fragmented and scattered throughout the Federal Government. Not enough money, in my view, is getting to the bench for research and development, which is a critical aspect of how we build out that energy policy. It is also a critical component of how we move toward our energy future.

All too often it appears we have silos within the Department that stand in the way of progress. In recent years I have become concerned that DOE is not clearly and unambiguously work-

ing to keep energy abundant, affordable, clean, diverse, and secure, principles that I think go into defining a good, strong Federal energy policy. As I see it, DOE, in particular, must be a stronger voice in the councils of this administration for energy supply. In light of several costly failures, the Department must become a better steward of taxpayer dollars.

So all of these challenges, and more, will be inherited by our next Secretary of Energy. Along with the challenges, I think we also recognize there are great opportunities within the energy sector. That is why I believe we will do well to place Dr. Ernie Moniz, who is clearly a man with talent and experience in both the laboratory and as a public policymaker, to place him at the helm of this department.

Dr. Moniz has some pretty impressive credentials. He is a physicist, having graduated from Boston College before completing his Ph.D. at Stanford. He served in the White House Office of Science and Technology Policy and as an Under Secretary of the Department of Energy during the late 1990s. For the vast majority of his career, he has also served as the director of the MIT Energy Initiative. He has studied and written about nuclear energy, natural gas, innovation—really any number of topics with direct relevance for the future of our energy policy. So he has both. He has the academic experience, most certainly, as we see at MIT and at Stanford, but he also has that practical application. My colleague from Oregon described him as solution oriented, and I think that is a very apt description. He is an impressive nominee.

In our meetings where it is nice and casual and relaxed and people can have a pretty good conversation, I was very impressed with not only Dr. Moniz’s background and experience but how he views moving forward within the Department of Energy. There is a level of comfortable confidence I found encouraging. He has shown he understands what his job requires, and because of that I believe he will be a capable Secretary. He is knowledgeable, he is competent, and he is refreshingly candid, and I think that is an important part of it.

I kind of challenged him in the confirmation hearing before the Energy Committee to keep that up: Don’t be afraid to speak out, to be refreshingly candid. I think that is good advice.

He also has proven the Senate’s confirmation process can be navigated successfully without undue delay, as long as questions are answered and concerns raised by Members are taken seriously, and I think he did attempt to do that.

It is my hope that after his confirmation, Dr. Moniz will guide our Nation’s energy policy as the respected scientist he is and do so rigorously, robustly, free of preordained conclusions, and, again, not afraid to speak up or to speak his mind. His Department will benefit, and I think the country will as well.

As I have indicated in my comments, I think the Department of Energy needs good, strong direction. It needs that leadership, and I believe Dr. Moniz will provide both. That is why I am supporting his nomination, and I ask my colleagues in the Senate to join me in voting to confirm him later this afternoon.

I note my colleague from New Jersey is here. I have some comments I wish to make about the Arctic Council meeting, but I will certainly defer to my friend from New Jersey for his comments this morning.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I wish to thank the distinguished ranking member for her courtesy. I intend to support this nominee for all of the reasons the distinguished chairman has said.

(The remarks of Mr. MENENDEZ pertaining to the introduction of S. 980 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. MENENDEZ. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ARCTIC COUNCIL MINISTERIAL MEETING

Ms. MURKOWSKI. Madam President, while we are waiting for colleagues to come and join us on the floor to speak about the nomination of Dr. Ernest Moniz to be Secretary for the Department of Energy, I thought I would take a few moments and fill in my colleagues about a meeting I just returned from in Kiruna, Sweden. This was the Arctic Council ministerial meeting.

The Arctic Council is comprised of the eight Arctic nations, of which the United States is one by virtue of the State of Alaska, but not to diminish the fact that we truly are an Arctic nation, and our role as such, involved with other Arctic neighbors, is a growing role and a role the rest of the world is looking at with great interest and great anticipation as to how the United States is going to step forward into this important arena.

This is the second Arctic Council meeting I have attended. I was in Nuuk, Greenland, with Secretary Clinton and Secretary Salazar 2 years ago. That was the first time the United States had sent a Cabinet member, sent the Secretary of State to the Arctic Council, and it caused great waves throughout the Arctic world and certainly gained the attention of nations around the world. The sentiment was the United States is finally stepping up, the United States is moving forward, recognizing its role as an Arctic nation. So it was exceedingly important that Secretary Kerry continued

that good work of Secretary Clinton in leading the United States in its role at this ministerial meeting.

I will tell you, Secretary Kerry has been very involved here in this body as a Senator in his leadership on certain issues, specifically advancing the Law of the Sea Treaty—ratification of that important treaty—speaking out and being very forthright on the issue of climate change. His leadership at the council meeting in Kiruna yesterday was clearly evidenced as he worked to bring the parties together in terms of an agreement to move forward with how we treat observers to the Arctic Council. I commend Secretary Kerry for his leadership, certainly for his initiative, in ensuring that the United States continues to have a high profile and a growing profile.

Why is this important? Why do we need to not only be engaged but to step up that engagement? Well, yesterday, the chairmanship of the Arctic Council transferred from Sweden to Canada, so our neighbors to the North will chair the Arctic Council for these next 2 years. In 2015, the gavel of that chairmanship will pass from Canada to the United States, so we will be working to set the agenda, although it is a very consensus-driven process. But we will clearly be in a leadership role amongst the eight Arctic nations and those observer nations. It is critically important that we are ready, that we be working toward assuming this leadership position.

In doing that, it is more than just attending meetings every other year. It is the agreements that come out as a result of these ministerials, these consensus initiatives that help to advance the dynamic in an evolving part of the world.

In Nuuk, the first-ever binding agreement of the parties was entered into, and this was a search-and-rescue agreement. If there is an incident up in the Arctic—and the world up there knows very little in terms of boundaries and what happens with ice, but we recognize our infrastructure is severely limited. So who is in charge? How do we work cooperatively, collaboratively with search and rescue? It was an exceedingly important initiative that was adopted 2 years ago.

Yesterday, in Kiruna, it was the adoption of the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic. There is a recognition that in the Arctic, where some 15 percent of the world's known oil and gas reserves are situated, there will be activity. We are seeing it in Russia to our left-hand side; we are seeing it in Canada to our right-hand side. In the United States, as we all know, Shell attempted to begin exploration this year. There have been previous exploration efforts up in the Beaufort and in the Chukchi. Whether you are for or against oil development here in this country, the recognition is that within the Arctic nations there is activity. There are ongoing efforts,

whether it is through exploration or, hopefully, production that will move forward.

What we are trying to do within the Arctic Council and other entities is make sure that when that happens, we are prepared. So we are putting forward collaboration and collective agreements so there is an understanding that in the event—hopefully, a very unlikely event—something would ever happen, there is an understanding as to how all the nations act, the level of preparation that moves forward.

There are incredibly important initiatives as we deal with an evolving Arctic. Think about the world up north there. Really understand what is happening. This is no longer an area that is locked in ice and snow, an area where we are not able to transit, an area where there is no human activity. The Arctic has clearly seen an opening, as we see the sea ice receding. We are seeing a level of activity that is unprecedented. It is truly the last frontier—a new frontier, so to speak.

Again, how we prepare for a world where there is more movement, where there is more activity, is going to be a critical key to the success and the opportunity. We recognize the volume of shipping now coming through the Northwest Passage, coming from Russia on down through the Bering Strait, through very narrow channels there out to Asia, down into the Pacific. There is incredible movement. So how are we preparing ourselves for an increased volume of shipping traffic? Do we have the navigational aids we need? Do we have the ports and the infrastructure that will be necessary? These are some of the initiatives that were discussed.

Obviously, when we think about an Arctic that is changing, a key focus is on climate change and what is happening. We are seeing the impact of climate change in the Arctic more noticeably than in other parts of the globe. So there is a great deal of science and research that is going on that is necessary. How we collaborate, how we share that with all of our other Arctic neighbors is going to be key.

How we map our resources, whether it is understanding the sea floor, whether it is understanding the coastline, this is an area that—we use the term “frontier.” When we go out into a new frontier, it is important to know what it is we are dealing with; how we can work cooperatively on things such as mapping; what we can do to ensure that as we see changes, as we see development, as we see increased economic activity in the Arctic, that the indigenous people—the people who have been there for thousands of years, living a true subsistence lifestyle—that their lifestyle remains intact, that there can be a balance and a harmony with their world and this changing scenery and landscape in front of them.

This is a story that was conveyed to me several years ago. I was up in Bar-

row, which is, of course, the northernmost city in the United States. Barrow is a relatively small community of several thousand individuals. One afternoon there was a group of folks who were in town and they were all speaking German.

Somebody asked: Well, how did you get here? Where did you come from?

They did not see that many people getting off the Alaska Airlines jet. The German tourists pointed to a cruise ship that was offshore. They had lightered these German tourists into the community. Just a few years back, a cruise ship in these waters was unheard of. What we are seeing now are cruises. We have a level of tourism that would never have been anticipated. So how we prepare for all of this is a challenge for us.

The work of the Arctic Council is again focusing on collaboration and cooperation in an area, in a zone of peace, as many would suggest. This is an important opportunity for us from a diplomacy perspective. Think about how many hot spots we have in the world, how many places on this planet where we are trying to put out fires that have been simmering or smoldering for decades, for generations, for some, millennia. If we have a part of the world where we can work together, what kind of a message, what kind of a symbol does that represent? So we have some enormous opportunities within the Arctic.

Part of my challenge—and I shared this with Secretary Kerry—is impressing upon people in this country that we are an arctic nation. The Presiding Officer hails from the State of Massachusetts. My colleague and chairman of the Energy Committee comes from Oregon. I would venture to say that most of the Senator's constituents do not view themselves as people of the Arctic, but we are. As 50 States, we are. So how we work together to make sure America's role as an arctic nation is represented is key.

I will conclude my remarks by noting that on Friday the White House released its Arctic strategy. This is a document to advance national security interests, how we responsibly manage the Arctic ecosystem, how we bolster international relationships—all very worthwhile goals. I think we recognize that it is perhaps a little bit light on detail, but the good news is that so many of our Federal agencies are working to help advance these goals.

What we need, in addition to a coordinated strategy, is a policy that is going to make sense from all of the different levels, whether it is how we deal with the energy, how we deal with the human side, how we deal with the security aspect of it. These are complicated issues, but it is an opportunity that is almost unprecedented to be able to take a blank page and be able to create opportunities, to be able to create policies that really began with a level of collaboration and cooperation. This is what we are hoping to build not only

with our Arctic neighbors but beyond that.

It was interesting to note the recognition of six nations that joined as observers: China, India, Italy, Japan, Singapore, and South Korea. No one would ever suggest these are Arctic nations, but the reason they want to be engaged as observers is they recognize the importance of the Arctic to the rest of the globe. They recognize the importance, whether from a shipping perspective, whether from an environmental perspective, whether from just an opportunity for resources. There is a keen awareness of what is happening in the Arctic, that this is the place to be right now.

So my urging to my colleagues is to pay attention to not only what is happening in the Arctic but pay attention to how an increased role in the Arctic impacts them and constituents in their States because whether it is sending goods from one nation to another, this is an opportunity to allow for transit and commerce that has only been a dream. Whether it is how we access our energy resources in a way that is done responsibly, safe, and with an eye toward environmental stewardship, there are opportunities for us—challenges, yes, but opportunities for us as well.

So I will be talking much more about our role as an arctic nation, our responsibilities as an arctic nation, but I would ask that we start thinking about this: Where does Massachusetts, where does Oregon, where do they fit in as part of an arctic nation?

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH.) The Senator from Massachusetts.

Mr. COWAN. Mr. President, I rise to speak in support of the nomination of Dr. Ernest Moniz—a native son of Massachusetts—to be Secretary of Energy. In voting yes on his nomination, the Senate will confirm someone who is extremely well qualified for the role of Secretary of Energy and someone who is proof positive that the American dream is alive and well.

Dr. Moniz is a son to first-generation immigrants to America, to Fall River, MA, a historic city on the south coast of Massachusetts rich with a history in the textile and garment mills and now with a bright future in the innovation economy.

It was in Fall River that Dr. Moniz first developed his love of science, both at home and in the Massachusetts public schools. With the help of scholarships from his father's labor union, Dr. Moniz was able to attend and receive his bachelor of science degree, summa cum laude in physics, from Boston College. From there, Dr. Moniz went on to do even greater work.

In Massachusetts, we are grateful for the decades of service he has given to one of the finest institutions not just in the Commonwealth but in the world, the Massachusetts Institute of Technology—otherwise known as MIT—where he has been a faculty member

since 1973. Dr. Moniz has led many groundbreaking initiatives at MIT, including most recently serving as the funding director of the MIT Energy Initiative and leading the MIT Laboratory for Energy and the Environment. Through the MIT Energy Initiative, he has been at the forefront of multidisciplinary technology and policy studies on the future of nuclear power, coal, nuclear fuel cycles, natural gas, and solar energy. The initiative has spun out numerous startup companies from the campus lab into the emerging and important clean energy economy.

In addition to his many years of service to the Commonwealth, Dr. Moniz also knows his way around this town, which I am sure will serve him well in his new position. He served previously as Under Secretary of the Department of Energy and before that as Associate Director for Science in the Office of Science and Technology Policy for President Clinton.

One of the biggest challenges he will undoubtedly face as Secretary is how to continue critical U.S. investments in emerging energy technologies, including fusion, in the face of a difficult budget climate. While I recognize that, as Secretary, Dr. Moniz will need to recuse himself from this particular issue, I strongly support continued DOE funding of the domestic fusion energy research program at MIT, the C-Mod Program, which has for years led in fusion science and is an incubator for the next generation of fusion scientists. Unless additional action is taken by DOE, the C-Mod research facility at MIT will be abruptly terminated, 130 fusion scientists, engineers, graduate students, and support personnel at MIT would also be terminated, and hundreds of millions of dollars invested in this program over the past generation will be lost.

Our Nation's domestic fusion program simply cannot withstand the proposed reductions without a severe negative impact to our fusion research and our scientific contributions to the international fusion research community. This shortsighted approach could eliminate the ability of the United States to take a lead role in the development of the next generation of energy research.

The Department of Energy has significant responsibilities that impact America's economic energy, environmental, and security future. It is my strong belief that Dr. Moniz has the ability, knowledge, experience, and vision to be an excellent Secretary of Energy for the people of the United States. I look forward to casting my vote to confirm this brilliant scientist, dedicated public servant, and, yes, native son of Massachusetts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

Mr. CASEY. I ask unanimous consent to speak as in morning business.

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

NLRB

Mr. CASEY. I rise to speak about the National Labor Relations Board. This is a board and a set of issues we are going to be debating and have begun to debate recently. It will be with us for a while, and it is an important debate we are having.

As the Senate considers the National Labor Relations Board member nominations, I think it is very instructive, and I would even say essential, to look back at the history of the Board and the National Labor Relations Act, the legislation that created the Board, to recall why this Board and the act are so important to our economy, our workers, and our businesses.

The National Labor Relations Act played a key role in making the United States the prosperous Nation we are today. A properly functioning labor board and a revived, modernized National Labor Relations Act could be key players in a more prosperous future.

Congress passed the act in 1935 during the depths of the Great Depression. The National Labor Relations Board Act legitimized and gave workers the right to join unions. It encouraged and promoted collective bargaining as a way to set wages and settle disputes over working conditions, and it led to a surge in union membership and representation. It is worth remembering as well why the act was passed in the first place.

To quote section 1 of the act: "The inequality of bargaining power between employees . . . and employers . . . substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions by depressing wage rates and the purchasing power of wage earners."

I am quoting in pertinent part the most significant words in that part of the act which are the flow of commerce, how important it is to settle disputes so we can have a free-flowing commerce, and that workers have the rights they are entitled to.

As I said, it was passed in 1935. The economy was reeling. One-fourth of the workforce was jobless. Millions of Americans were poor, hungry, and homeless. Balancing the bargaining power of employers and employees, Congress hoped to restore the Nation to economic prosperity. Giving workers the right to organize and bargain collectively would allow them to stand up to corporate power and demand higher wages, thereby increasing their incomes and their purchasing power. That, in turn, would increase consumption and demand for goods, increasing production and, in fact, increasing employment.



As former NLRB Chairman Wilma Liebman said: "The law was enacted less as a favor to labor, than to save capitalism from itself."

We know that before the New Deal, the Federal and State governments, the courts, and the law had all been hostile to the collective rights of workers in their struggles against corporate power. For decades, going back to the late 1800s, the majority of production workers in America's heavy industries had labored in harsh and often dangerous conditions for low wages, with little security. I know this from my own family's history, but I also know it from the history of my own region of northeastern Pennsylvania, the so-called hard coal or anthracite region of Pennsylvania.

Stephen Crane, the great novelist, wrote about the coal mines right around the turn of the century. Actually, they are the coal mines of my home county. He talked about all the ways a miner could lose his life in the coal mines. I ask unanimous consent to have printed in the RECORD that part of Stephen Crane's essay about the coal mines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The novelist Stephen Crane toured a mine near Scranton in 1894, just ten years before my father went to work in the mines. He described the scene in McClure's Magazine:

The breakers squatted upon the hillsides and in the valley like enormous preying monsters, eating of the sunshine, the grass, the green leaves. The smoke from their nostrils had ravaged the air of coolness and fragrance. All that remained of vegetation looked dark, miserable, half-strangled. . . .

The [boys] . . . are not yet at the spanking period. One continually wonders about their mothers, and if there are any schoolhouses. But as for them, they are not concerned. When they get time off, they go out on the culm heap and play baseball . . . And before them always is the hope of one day getting to be door-boys down in the mines; and, later, mule boys; and yet later, laborers and helpers . . .

A guide then led Crane into the mine:

It was a journey that held a threat of endlessness. Then suddenly the dropping platform slackened its speed. It began to descend slowly and with caution. At last, with a crash and a jar, it stopped. Before us stretched an inscrutable darkness, a soundless place of tangible loneliness. Into the nostrils came a subtly strong odor of powder-smoke, oil, wet earth. The alarmed lungs began to lengthen their respirations.

Our guide strode abruptly into the gloom. His lamp flared shades of yellow and orange upon the walls of a tunnel that led away from the foot of the shaft. Little points of coal caught the light and shone like diamonds. . . .

The wonder of these avenues is the noise—the crash and clatter of machinery as the elevator speeds upward with the loaded cars and drops thunderingly with the empty ones. The place resounds with the shouts of mule boys, and there can always be heard the noise of approaching coal cars, beginning in mild rumbles and then swelling down upon one in a tempest of sound. In the air is the slow painful throb of the pumps working at the water which collects in the depths. There is booming and banging and crashing, until

one wonders why the tremendous walls are not wrenched by the force of this uproar. And up and down the tunnel there is a riot of lights, little orange points flickering and flashing. Miners stride in swift and somber procession. But the meaning of it all is in the deep bass rattle of a blast in some hidden part of the mine. It is war. It is the most savage part of all in the endless battle between man and nature. Sometimes their enemy becomes exasperated and snuffs out ten, twenty, thirty lives. Usually she remains calm, and takes one at a time with method and precision. She need not hurry. She possesses eternity. After a blast, the smoke, faintly luminous and silvery, floats silently through the adjacent tunnels. . . .

Great and mystically dreadful is the earth from the mine's depth. Man is in the implacable grasp of nature. It has only to tighten slightly, and he is crushed like a bug. His loudest shriek of agony would be as impotent as his final moan to bring help from that fair land that lies, like Heaven, over his head. There is an insidious, silent enemy in the gas. If the huge fanwheel on the top of the earth should stop for a brief period, there is certain death. If a man escapes the gas, the floods, the squeezes of falling rock, the cars shooting through little tunnels, the precarious elevators, the hundred perils, there usually comes to him an attack of miner's asthma that slowly racks and shakes him into the grave. Meanwhile, he gets \$3 per day, and his laborer \$1.25.

Mr. CASEY. When unions sprang up to defend the rights of workers, they were treated as illegal conspiracies, ruthlessly smashed by companies that either used violence or called on the police or military to defend their interests. The unions rarely made more than temporary gains.

When America began to industrialize in the 1800s, the relationship between workers and their bosses changed dramatically. Craft work by skilled employees was replaced by mass production with hundreds or even thousands of people working for a single, impersonal corporation. Giant powerful entities generally treated their workers like faceless, expendable commodities—inputs into the production process, whose costs had to be kept low in order to maximize profits in the incomes of robber barons. That was certainly true in my home State of Pennsylvania.

The corporations amassed enormous wealth, but the employees were mostly left behind, with lives of misery and hardship. In Pittsburgh, for example, the western corner of our State, a remarkable in-depth sociological study by the Russell Sage Foundation of the lives of working families in the early 1900s found widespread grinding poverty and child labor, poor health and education, and astonishing levels of work-related injury and illness. In Allegheny County, where Pittsburgh is located, with a million residents, more than 500 workers died in industrial accidents in a single year, most of them in the steel mills. The same was true in the coal mines.

To give you an example, in 1907, 1,516 workers were killed in the coal mines of Pennsylvania. In over about a 98-year period, 31,047 known fatalities happened in the coal mines of Pennsylvania.

If the United States today had a proportional number of occupational fatalities as they had in Pittsburgh when 500 workers died, the number would be 150,000 workers today losing their lives on the job. Workers were chewed up and discarded with no workers' compensation system and no hope of suing the corporation for negligence. The law of labor relations was seriously unbalanced. Whereas business owners were able to act collectively, joining together in corporations to be treated as a special kind of person under the law, while escaping individual liability for corporate acts, unions were sometimes treated as criminal conspiracies, their strikes were considered illegal restraints against trade, and courts intervened to issue injunctions to hold unions liable for the acts of their members.

When workers tried to form unions to defend themselves or to win a fair share of the profits, they were usually met by fierce resistance by employers, fueling anger and resentment, often leading to violence.

One of the most famous and, I should say, infamous tragedies involved Carnegie Steel, which for 10 years had a collective bargaining contract with its skilled employees at the Homestead plant but decided in 1892, during an economic depression, both to cut the employees' wages and to destroy the union. I won't go into the whole story today; we don't have time. Suffice it to say the union was crushed completely because of the actions of that steel company and then steel companies after it.

Move forward in history when demand for their products dried up in the Great Depression. Many businesses cut both wages and hours, further depressing workers' incomes and purchasing power.

In President Franklin D. Roosevelt's first year in office in 1933, he pushed through Congress the National Industrial Recovery Act. One of its main purposes was to encourage companies to recognize their unions and to bargain with them. FDR and Labor Secretary Frances Perkins were convinced that raising wages and thereby increasing consumer demand was essential to lift the economy and put people back to work.

Unfortunately, the entity the act created to encourage collective bargaining, the National Labor Board, as it was called at the time, had no power to compel compliance with the new law. Union membership soared, but the companies continued to resist collective bargaining or recognize the sham company unions they controlled, effectively bargaining with themselves rather than the real representatives of the workers. Instead of an orderly, efficient act, or system, I should say, the act produced chaos. The Supreme Court ruled that the act was beyond the powers of Congress under the commerce clause of the Constitution.

What happened then was Senator Robert Wagner of New York started

over and drafted the National Labor Relations Act of 1935. It passed quickly and survived a constitutional challenge in the Supreme Court. The new law required companies to recognize unions as the exclusive representative of their employees when they could prove majority representation. It gave the new board the authority to conduct elections and to order companies to bargain in good faith over wages and working conditions. It outlawed sham company-dominated unions, and it protected employees from violations by employers of their right to join a union or to engage in strikes or other protected, concerted activities such as hand billing or picketing.

The Board itself was given the power to require employers to hire back fired workers, to pay lost wages with interest, and to agree not to break the law in the future.

For a time, the new law worked. As Wilma Liebman, on the National Labor Relations Board for 14 years, said recently:

Over the next decades, millions of workers voted for union representation in NLRB-conducted elections. And millions achieved a middle class way of life through collective bargaining and agreements that provided fair wages and benefits in major industries of the economy.

At the peak of union power, 35 percent of workers were covered by union contracts. They won higher wages, job security, and other benefits. American family incomes grew by an average of 2.8 percent per year from 1947 to 1973. Let me say that again. There was almost a 3-percent increase in family incomes from 1947 to 1973, with every sector of the economy seeing its income roughly doubled.

Due to a number of factors, union membership as a share of private sector employment has declined from that 35 percent to less than 7 percent today. We know that our history tells us not only is the act important for union members and for their families, but it is also very important for the middle class.

No one thinks the National Labor Relations Board by itself will be able to restore balance to America's incomes or restore purchasing power to the middle class. The Board itself can help make a difference, especially if Congress repairs decades of damage to the rights of unions and employees to organize, bargain and, if necessary, to, in fact, strike. The Employee Free Choice Act would have been a good start in that campaign of repair and restoration.

Tens of millions of Americans today are working at poverty wages. By one estimate, 28 percent of workers are paid at a poverty-level wage or less. People who work hard for a living deserve a path to a decent economic future. Workers today are better off than the average workers surveyed in Pittsburgh 100 years ago, as I cited earlier, but their lives are getting harder every year. They are not sharing in our ever-growing national wealth.

I hope we can begin a process of reviving collective bargaining soon, but first we must end the disgrace of leaving the Nation's most important labor relations agency without leadership. It is shameful if we allow this to happen. The recent record of obstruction of nominations in the Senate is, in a word, unacceptable and should be unacceptable to every American. It is time to confirm the President's nominees to the National Labor Relations Board, to give certainty to workers and to businesses as we continue to recover and create jobs.

As I leave, I would go back to the few short words I will read from the opening Findings and Policies of the National Labor Relations Act:

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the free flow of commerce by removing certain recognized sources of industrial strife and unrest.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. I ask unanimous consent to speak as in morning business.

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

#### THE IRS

Mr. THUNE. Mr. President, yesterday morning I called for the immediate resignation of Acting IRS Commissioner Steven Miller in light of the IRS's admission that it targeted conservative groups for inappropriate scrutiny. While I was willing to give Mr. Miller and other IRS officials the benefit of the doubt until the facts were in, the Treasury Inspector General report released on Tuesday has erased any doubts as to the severity of the misconduct and the blatant incompetence in dealing with the highest levels of the IRS.

I am pleased President Obama chose to heed the call that I made, and others as well, by dismissing Mr. Miller last night. This is a necessary step, but only a first step, toward restoring the credibility and the integrity of the IRS. This scandal is much larger than any one official within the IRS. Any government official who knew about the misconduct within the IRS and decided not to make this information public should be held accountable. No American taxpayer should ever have to worry that a group they belong to or a view they espouse would subject them to less favorable tax treatment by their government. Yet the IG report has, unfortunately, confirmed this political profiling is exactly what happened.

The misconduct by the IRS is troubling for a host of reasons, but there

are two questions yet to be answered that I find particularly troubling. First, how was the improper targeting of IRS agents allowed to continue for more than 18 months before it was finally brought to an end?

Secondly, how did the internal IRS process involve so many high-level IRS officials yet remain hidden from the public and from Congress for more than 2 years?

Former Commissioner Miller was quoted yesterday as saying the IRS misconduct was a result of two "rogue" employees in Cincinnati who were "overly aggressive." Yet we now know from the IG report the IRS's attempt to deal with the targeting of conservative groups went through numerous high-level IRS officials in Washington.

We know as early as March of 2010, IRS officials in Washington were involved in applying special scrutiny to tea party and other applications with conservative-sounding names. According to the IG report, the head of the IRS Exempt Organizations Division and the IRS Chief Counsel became aware of this targeting almost 2 years ago in the summer of 2011.

Let's be clear: The scandal isn't simply a few rogue employees. The real scandal is an entire bureaucratic structure within the IRS that allowed this targeting to go on for 18 months.

Behind me is the organizational chart from the IG report showing all the offices that were involved in dealing with the improper targeting of conservative groups. As you can see, of the 12 offices on this chart, only two of these offices are based in Cincinnati. The other 10 offices are in Washington, DC. This particular office was the office—until just last night—Acting Commissioner Steven Miller held. But as you can see, Mr. President, this is lifted directly from the IG's report. This is an organizational chart that suggests the two offices in Cincinnati were a small part of a much bigger web of offices and individuals who were involved.

This situation may have started with a few rogue employees in Cincinnati, but the idea that somehow it was confined to that one small part of the IRS structure is simply untrue. It is also misleading to suggest the IRS has been anything other than secretive and resistant to calls for greater transparency when it comes to the agency's handling of conservative groups.

We now know then—Deputy Commissioner Miller was made aware of inappropriate targeting of conservative groups as early as May of 2012. Yet for 1 year Mr. Miller did not bring this information to the attention of the public or Congress.

In June and August of 2012 I joined with fellow Republican Senators on the Finance Committee in sending letters to the IRS regarding reports the IRS was requiring conservative 501(c)(4)s to disclose their donors and expressing concerns the IRS may change regulations affecting these groups in response



to political pressures. The IRS responses to these letters did not acknowledge any special treatment of conservative groups.

In November Mr. Miller became the Acting IRS Commissioner, and in this capacity he testified before the Senate Finance Committee regarding the issue of tax fraud and ID theft. He did not take that opportunity to make remarks or to comment on the subject of targeting conservative groups. Time and time again high-level IRS officials deliberately avoided disclosing information regarding the targeting of conservative groups.

The American people deserve to know that action will be taken to ensure the IRS will never participate in this kind of partisanship again, and they deserve to know that leaders of such agencies will be held accountable for such breaches of trust. These actions undermine the confidence the American people have in the IRS to objectively and transparently administer our Nation's tax laws.

These actions by the IRS are a continuation of a troubling trend from the self-proclaimed most transparent administration in history. All of these incidents are beginning to add up to a growing credibility gap between this administration under President Obama and the high standard of public service the American people deserve.

Now, thanks to ObamaCare, the IRS will be administering parts of the health care law. The IRS's power will grow as they become responsible for determining whether Americans have satisfied the government mandate to have health insurance and whether the government will pay for part of that coverage through refundable tax credits.

As noted by the National Taxpayer Advocate Nina Olson, ObamaCare is "the most extensive social benefit program the IRS has been asked to implement in recent history."

As I previously mentioned, this isn't the only ObamaCare-related scandal that has come to light this week. Over the weekend the Washington Post reported that Secretary of Health and Human Services Kathleen Sebelius has been soliciting donations from health care executives to fund left-leaning organizations that are trying to work hand-in-hand with HHS to enroll individuals in ObamaCare exchanges.

If these reports are accurate, the actions taken by the Secretary represent a very serious conflict of interest. Companies and organizations should never be pressured for money because it sends the message that contributions are necessary to secure favorable regulatory decisions, creating a pay-to-play environment.

Earlier this week David Axelrod, a former senior adviser to President Obama, said it isn't possible for the President to be aware of all these problems in government because government is simply too big. It is mind-blowing to consider how large the Federal

Government is and how the one individual responsible for this \$3.6 trillion entity can't even keep tabs on all the activity. Perhaps this is exactly why we should be focused on policies that shrink the size of government so it can be more transparent and more accountable to citizens of this country.

Chief Justice John Marshall, in the seminal opinion *McCulloch v. Maryland*, wrote: "The power to tax is the power to destroy." Those words still ring true nearly 200 years later.

This administration is using one of its greatest powers—the power to tax—to destroy one of the people's strongest God-given rights, the right to free political speech. This isn't just an attack on certain conservative groups, it is an attack on all of our rights to assemble and to express free political speech without the fear of repercussion from our government. President Obama has a long way to go to restore public confidence and to stop the growing credibility gap that so far has plagued his second term.

I look forward to next Tuesday's oversight hearing in the Finance Committee where I hope we can begin the process of reining in a government agency that has run amuck.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### IRS RULES

Mr. UDALL of New Mexico. Mr. President, I have been watching today as various speakers have come to the floor. I want to join in the outrage about what has happened at the IRS, the idea that the IRS would pick specific groups and target them. In this case, apparently they used the name "patriot" and they searched through incoming applications for 501(c)(4)s—and the term "tea party"—and they were obviously focusing on one side of the political spectrum. They should not have done that.

There is no doubt that the people who are writing me, that people in America have watched this and feel a sense of outrage. They should be outraged. They are outraged, and I am outraged.

One of the things we have to understand as a result of this is that the IRS has tremendous power. It has the power to audit. It has the power to request information. It has the power to refer for criminal conduct. I think in many cases the IRS is probably more feared than the prosecutor's offices, which also have tremendous power. As many know, I have had some real experience

there, having been a Federal prosecutor, having been a State attorney general. That is power that should be used in a very careful way. You do not pick one part of the political spectrum and target people when you are entering a phase of a prosecution or an audit, as the IRS was doing. I think our President, who is a lawyer, understands that. President Obama has called for the resignation of the top IRS official. That official has resigned. That is the right thing to do. Such action is inexcusable. No one disputes that. More disciplinary action is likely. The FBI is investigating, and I hope they do a full, thorough, and complete investigation. Of course, as I said before, the IRS should not be targeting specific sides of the political spectrum.

But in thinking about this, there is another failure, and we should talk about that at the same time. The IRS does not have clear rules for nonprofit groups and political activity. We need transparency about what is allowed and what is not allowed. Those rules should be applied to all groups across the board on all sides of the political spectrum. Front groups for huge amounts of campaign money are continually allowed to file false statements with the IRS and get away with it. Over and over again, they do this. This is wrong whether the group is liberal or conservative, Democratic or Republican. This is wrong across the board.

How does this happen? We know that lots of secretive groups want to funnel cash to influence elections, to get their candidates elected. But campaign finance rules are supposed to have transparency. How do these groups, left or right, keep their money secret? They hide behind an organization that is listed with the IRS called a 501(c)(4). They ask for permission under the IRS to be a 501(c)(4) status organization. That is a tax-exempt, nonprofit corporation regulated by the IRS.

These groups have one big hurdle to jump through. The 501(c)(4) has to be set up "for the promotion of social welfare." In fact, the law says it must be exclusively—the law Congress wrote says it must be exclusively for social welfare. That is the law Congress wrote. It seems pretty clear, doesn't it? It seems as though Congress was saying what it intended. But the IRS muddied the water by deciding "exclusively" actually means "primarily." "Primarily engaged in social welfare activity" means at least 51 percent of the time—not 100 percent of the time, 51 percent of the time. This is baffling, and it is completely misguided.

To make it more confusing, the IRS regulations state that "the promotion of social welfare does not include direct or indirect participation, or intervention, in political campaigns on behalf or in opposition to any candidate for public office." To establish a 501(c)(4) corporation, the organizers must file a form with the IRS pledging that they do not plan to spend money

to influence elections. It appears that many of these groups have lied on their applications for nonprofit status. It also appears that they are allowed to get away with it. That is corrupt, and it is also a crime—and nothing appears to be done about it. That is a scandal right there. As the IRS stands by, these groups, whatever their political affiliation, mock Federal tax laws.

The Center for Responsive Politics noted that in the 2012 election, 501(c)(4) groups spent \$254 million to support or oppose candidates. Why would someone donate to a 501(c)(4) instead of giving money to the parties or to the campaigns of candidates they support? Simple—to avoid disclosure. If someone gives \$1,000 to a political campaign, that is required to be reported and the donor is known. It is out there. It is in the public. But if someone gives \$1,000 to a 501(c)(4) that is improperly engaging in political activity, the public remains in the dark. So if someone gives \$1,000 to a 501(c)(4), nobody knows about it, but it can go out under these rules and engage in political activity.

This secret money is a bipartisan outrage. They are seeking to influence elections, not promote social welfare. This has to change. I have long argued that it must change. Since 2010 many of us have come to this floor calling for vitally needed reforms, demanding that we change the way we do business. I believe that requires a constitutional amendment overturning the disastrous Buckley and Citizens United decisions by the Supreme Court, restoring to Congress and the States the authority to regulate elections.

We have also pushed for the DISCLOSE Act. That legislation would have taken the IRS out of the business of investigating these groups—a job it is failing to do anyway. It would have required open reporting with the Federal Election Commission. The DISCLOSE Act doesn't ban any group, but it does say the American people have a right to know who is trying to influence their vote, who is paying for all those ads on television.

There is a saying in Washington from the Watergate era: "Follow the money." That is what I am trying to do. Where does the money come from and where is the money going? Not a single Republican voted for the DISCLOSE Act—not one. In fact, they filibustered it, blocked it from an up-or-down vote.

Partisan bias and abuse by the IRS cannot be tolerated. President Obama is not tolerating it. But Americans are also fed up with the deception by shadowy groups that continue to drown our elections in anonymous cash. The fact that these secret political money groups also serve as tax breaks for extremely wealthy people adds insult to injury.

We need clear rules from the IRS. Exclusive means exclusive, in my book. When the Congress says "exclusive," it means exclusive, and we need to enforce those rules equally on all appli-

cants for tax-exempt status, every single one. If you are a charity or true social welfare organization, you should not pay taxes. There is no need to publicize your donors. But if you are looking to influence Americans' votes and how Americans vote, the voters should know who you are. There must be disclosure at the very least.

We have to change the way we do business. The failure of IRS bureaucrats—billionaires writing political checks but hiding in the shadows and avoiding taxes—this has to change. The time has come to change this.

I yield the floor. 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. CARPER. Mr. President, I ask unanimous consent that the quorum call be vitiated.

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

Mr. CARPER. Mr. President, I am honored and privileged to stand here today and to say good words on behalf of Ernest Jay Moniz, also known as Dr. Moniz and Ernie Moniz. He is one of my favorite people from the world of academia. I have in my hand a bio of him that I will read out loud. It is not very long, and it is worth listening to.

Dr. Ernest J. Moniz is the Cecil and Ida Green professor of physics and engineering systems at MIT. His research at MIT, where he has served on the faculty since 1973, has focused on energy technology and policy.

Dr. Moniz also serves as the director of MIT's Energy Initiative and the MIT Laboratory for Energy and the Environment.

From 1997 until 2001, Dr. Moniz served as Under Secretary of the Department of Energy. Prior to that time, he served as Associate Director for Science in the Office of Science and Technology Policy in the Executive Office of the President from 1995 until 1997.

In addition to his work at MIT and the Department of Energy, Dr. Moniz has served on any number of boards and commissions, including the President's Council of Advisers on Science and Technology from 2009 until today, the Department of Defense Threat Reduction Advisory Committee from 2010 until today, and on the Blue Ribbon Commission on America's Nuclear Future from 2010 to 2012.

Dr. Moniz is a fellow of the American Association for the Advancement of Science, the Humboldt Foundation, and the American Physical Society. In 1998 he received the Seymour Cray HPCC Recognition Award for vision and leadership in advancing scientific simulation.

Dr. Moniz received a bachelor of science degree *summa cum laude* in physics from Boston College and a doctorate in theoretical physics from Stanford University.

I have been privileged to know this man for a number of years. Our oldest

son was an undergraduate in mechanical engineering at MIT and graduated a few years ago.

I remember holding a field hearing at MIT—gosh, about a half dozen or so years ago—and Dr. Moniz was one of our witnesses. Among the things I liked about him is that he was so approachable. We have all heard the term "good guy." He is a really good guy.

Sometimes we think of somebody as a professor in an ivy tower and kind of out of touch, unable to communicate and connect with people. He could not be more different from that caricature. He is a real person, not to mention a very smart person. As a professor, he is able to explain complex concepts of nuclear energy and clean coal so that even I can understand what he is saying.

He has a wonderful sense of humor. If you happen to be a young person or an older person, Democratic or Republican, he just works so well with everybody. He is smart as a whip. He has a great way about him. He is approachable and has a very can-do attitude. I think the President made a great choice.

I say to Ernie and his family, I appreciate his willingness to serve in a lot of capacities and his willingness now to serve in this capacity. Hopefully, it will be good for him, his life, and his family. I think it certainly is going to be good for our country, so we appreciate that.

I say to my colleagues who have not had a chance to get to know him, I think everyone is going to like him a lot and enjoy working with him. I know I certainly have.

I also wish to discuss something I touched on earlier this week. I stood here just this week talking about the Swiss cheese we have in the executive branch of our Federal Government. There are too many positions that don't have someone confirmed for those positions.

In some cases, the administration has been derelict in terms of sending us nominations because they spend forever vetting nominations because they don't want to send someone to us who has a flaw or a blemish. As a result, I think they spend entirely too much time vetting nominees. In some cases, even when a nominee's name gets here, even if they are really good and well qualified, we delay those nominations further. Whether it is a Democratic or Republican President, we put the nominees through—not torture but something pretty close to it.

We need good people to be willing to serve. When they step up and are willing to serve, we need to process and vet those nominations. We need to scrub them hard, but at the end of the day we need to move them forward.

In the Environment and Public Works Committee, we took a small but important step with the President's nominee Regina McCarthy to be the Administrator for the Environment Protection Agency. She is enormously

well qualified. She has already been confirmed by the Senate for the air pollution side for the EPA and has done a very nice job.

Although she has been nominated by a Democratic President, in the past she served with five Republican Governors. She is smart, hard-working, she has great credentials, and she is approachable. She is somebody who is able to understand and explain things. She will do a great job.

We have had a hard time being able to move her nomination out of the Environment and Public Works Committee. Today we were joined by our Republican colleagues. Unfortunately, none of them voted to report her nomination out of committee. We have reported her out on a straight party-line vote.

My hope is that we will have an opportunity to do what we did a number of years ago—about 7 or 8 years ago. Mike Leavitt, the former Governor of Utah, was nominated to be the head of EPA. There was some delay in his nomination.

We actually had a big markup and business meeting scheduled to consider his nomination, and the Democrats boycotted that meeting. We waited a couple of weeks. At a followup meeting, the Democrats showed up, and we reported him out with Democratic support. Later, we voted for his nomination. It was a big bipartisan vote. I think there were 70 or 80 votes in favor of his nomination.

My hope is that is what we will do with Gina McCarthy. She deserves a vote, and from my perspective she deserves a positive, affirmative vote.

We have Ernie Moniz coming our way later this afternoon in about 40 minutes. I hope my colleagues will join me and give him a big vote so we can send him to work for our country one more time.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues from Georgia.

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

Mr. GRAHAM. This is about Dr. Ernie Moniz's appointment to be Secretary of Energy. I put a hold on Dr. Moniz. It has nothing to do with him. He is a wonderful fellow. He is an MIT professor. He has been amply associated with the Department of Energy, including the MOX Program. All of us in Georgia and South Carolina look forward to working with him.

What we are upset about is the Obama administration's decision to temporarily stop construction on the MOX facility. It is about 60 percent complete.

What is MOX? It is a program to take 34 metric tons of weapons-grade plutonium in excess of our defense needs and dispose of it by turning it into commercial-grade fuel. It is enough weap-

ons-grade plutonium to make 17,000 warheads.

In 2000 there was an agreement between the United States and Russia: They would dispose of 34 metric tons and we would dispose of 34 metric tons. And we have been studying how to do that.

In 2010 the Federal Government—and the Obama administration—in the agreement with the Russians to move forward, said we would MOX the 34 metric tons of weapons-grade plutonium. We were to turn it into mixed oxide fuel to be used in commercial reactors, which was a technology deployed in France, and that was the way forward.

To the administration's credit, we are finally moving forward. Senator ISAKSON, Senator CHAMBLISS, and I went to the facility a couple of years ago and finally saw it moving forward. It is about 60 percent built. Now, in the budget proposal of the President, they stopped construction to study an alternative. There is no other alternative. If they try to turn it into vitrified glass material, that will take more money and more time than doing MOX, and it has not been proven to work the way it is set up today.

At the end of the day, the problems we should be focusing on are the cost overruns of the MOX Program. It is about \$2 billion over cost. I would join with the administration to sit down with a contractor and try to recoup that \$2 billion to find a way forward and make it affordable.

There are statutes in place that require a \$100 million fine to be paid to the State of South Carolina if we don't meet our disposition goals. Last year we extended that statute by 2 years because we don't want the fine money, we want the MOX Program. It is good for the country, and it is good for the world.

Now that we have stopped the study, our fear is that we are stopping and studying an alternative that doesn't exist, and it cannot be cheaper than \$2 billion. There is no other way to do it. We have been studying this for about 15 years, and we will be breaking the agreement with the Russians. Other than that, we don't have a problem with what they are doing.

What we want to do is sit down with the contractor and the administration and lower the costs of the program but keep it moving forward. This administration has talked consistently about reducing nuclear proliferation and making the world safer from the use of nuclear materials. This is a program that started in the Clinton administration—then Bush, and now Obama—that really would accomplish that.

Thirty-four metric tons of weapons-grade plutonium—enough to make 17,000 warheads—would be taken off the market forever. In this way, a sword becomes a plowshare by making commercial-grade fuel out of it. It is a good program, and we need to complete the program.

The reason we put a hold on the nominee for Secretary of Energy is to get everybody's attention. I have been talking with Dennis McDonough, and I have been talking with the administration. We hope we can resolve this, but we are here to speak for Georgia and South Carolina.

We have a deal with the Federal Government. We agreed to take this 34 metric tons of weapons-grade plutonium years ago with the understanding that it would leave South Carolina and not affect the environment of South Carolina and Georgia in a permanent way.

We are very DOE-friendly in South Carolina and Georgia. The Savannah River site is right on the border. There are almost as many people from Georgia working at the site as there are from South Carolina. My colleagues from Georgia have been absolutely terrific.

At the end of the day we are going to be insistent that the Federal Government keep its commitment to the States of South Carolina and Georgia and to the Russians. We are going to make sure we dispose of this weapons-grade plutonium, and we are going to be more cost-conscious about it.

We are going to let Ernie Moniz become Secretary of Energy in 40 minutes. I will vote for him, but I will continue to slow down the process and make life incredibly miserable if we cannot find an accommodation that I think is fair. My State and the State of Georgia have been good partners with the Federal Government and the Department of Energy on energy issues.

Several years ago, when I first became a Senator—I think it was in 2002 or 2003—we agreed to leave some waste in the bottom of about 50 tanks that contained high-level waste material from the Cold War era from reactors at the Savannah River site used to make tritium to help fuel hydrogen bombs. By leaving a small amount in the bottom of the tank—the heel—and filling it with concrete, we were able to save \$16 billion in cleanup costs. Instead of scrapping it all out and sending it to Yucca Mountain, which never came about, we were able to leave a small amount that would not hurt the environment of South Carolina and Georgia.

Now, in this budget they are reducing the tank closure by \$106 million. We cannot do it that way. They cannot get us to help save money for the Federal Government and take on a reasonable risk—not much of a risk at all—and then short us. Whether it is a Republican or Democratic administration, people are going to stop dealing with the Federal Government when it comes to nuclear materials if this is the way we are going to do business.

The people in Georgia and South Carolina have been very accommodating. We appreciate the Savannah River site. It is a wonderful DOE facility. We are proud of it, and we are proud of the employees. But we are not going to be taken advantage of.

We are asking for the administration to sit down with us and others who care about this to find a way to lower the cost of the MOX construction but continue forward with the construction so we can get the MOX facility up and running. We need to honor our commitment to the Russians and get this weapons-grade plutonium off the market.

Count us in in terms of lowering costs; count us out when it comes to stopping the program in the middle and trying to find an alternative that doesn't exist.

As to the tanks, the Federal Government is going to honor its commitment to the people of South Carolina and Georgia to get these tanks closed up on time and on schedule. We have, again, saved \$16 billion over the life of the close-up plan for the tanks just by being reasonable.

When it comes to MOX, there were three facilities planned to take the weapons-grade plutonium and turn it into a commercial-grade fuel. We were able to consolidate two of the facilities into one and save \$2 billion. I am all for saving money, but I am also all for keeping one's word.

To our friends in the administration, we will work with you when we can, fight you when we must, but when it comes to this, I hope there will be a lot of bipartisanship for the delegations of South Carolina and Georgia to make sure we honor the commitment entered into between the Federal Government and the State of South Carolina that will affect our friends in Georgia and keep this program moving. We are not asking for too much. As a matter of fact, we are insisting on the Federal Government holding up its end of the bargain because we have held up our end of the bargain.

To our friends in the administration, let's see if we can solve this problem.

To my colleagues in this body, I hope I would have the good judgment and common sense to support the Members if anyone found themselves in this position of trying to do something good for the Nation and have it get off the rail. I hope I would be willing to help the other side when it comes to something such as this.

It is very difficult to deal with these high-level waste issues, particularly weapons-grade plutonium. When we find somebody who is willing to be reasonable and helpful, the last thing that should be done is to change the rules in the middle of the game.

With that, I will yield to Senator ISAKSON to just quickly ask him, from his point of view, does he see this as a fundamental breach of the agreement we have had for years, and what effect does he think it will have on our non-proliferation agenda and how does it affect South Carolina and Georgia?

Mr. ISAKSON. First of all, I wish to thank the Senator from South Carolina for his leadership on this important issue, and I am proud to join the senior Senator from Georgia SAXBY CHAM-

BLISS and, in effect, join Sam Nunn, who is a former Senator from Georgia who, with Dick Lugar, brought about the Nuclear Threat Initiative program which brought about the treaty of 2000 which calls for the reduction by 68 metric tons of nuclear materials.

I would answer the question of the Senator from South Carolina with another question: Where else in the United States of America are there two States willing to accept plutonium, reprocess it into fuel rod for commercial use, and do it safely and have dealt with nuclear materials for over 50 years? That is Georgia and South Carolina.

The idea that we can fund a study to look for an alternative is laughable. That is just merely a smokescreen for the current administration's position.

The Senator is exactly right. Senator CHAMBLISS and myself, along with Senator SCOTT and Senator GRAHAM, are happy to sit down with the administration, look at the cost overrun on the MOX facility, and find ways to find savings. But the dumbest economic decision in the world would be to stop the process when we are half finished because then we have wasted every dime that has already been spent, and we have to spend more money on an alternative that does not exist.

So I wish to add my support to the remarks of Senator GRAHAM and my State's support to reprocess this weapons-grade plutonium into reprocessed materials that fuel powerplants and commercial opportunities. That is a good use. It is a good way to get rid of this nuclear material, and it is also a good way to keep it out of the hands of the terrorists. If we don't destroy it and it lays around in Russia or anywhere else, it is always suspected of being stolen or used in a way that none of us would ever want.

I thank the Senator for his leadership.

Mr. GRAHAM. I can't thank Senator ISAKSON enough. Senator SCOTT has been with us at every step. But I want to let everybody in Georgia know that when it comes to the Savannah River site, we have worked as a team for years, and I just can't thank the Senator enough.

Senator CHAMBLISS is one of the leading national security experts in the Senate, and he has been intimately involved in the MOX program. My question for Senator CHAMBLISS is, we have an agreement with the Russians; they will dispose of their 34 metric tons of excess plutonium—enough to create 17,000 warheads in Russia—and we have agreed to do the same. If we are seen to stop and not honor our commitment, what reaction does the Senator from Georgia think the Russians would have, and is it smart to delay this program in the times in which we live?

I worry about the materials being compromised not so much in South Carolina and Georgia but very much in Russia. Could the Senator express his thoughts about that?

Mr. CHAMBLISS. Mr. President, as did my colleague from Georgia Senator ISAKSON, I wish to thank Senator GRAHAM for his leadership on this issue. He is right. We have been to the facility a number of times to examine what is going on there. There is great work being done by highly trained, highly educated individuals to deal with one of the most sensitive products we have in this country.

The Senator is exactly right that there are significant consequences from an international standpoint if the numbers in the President's budget are allowed to stand. That is why we have had conversations with a number of individuals currently at the Department of Energy and why we had a conversation with Dr. Moniz in preparation for his confirmation by this body. Those discussions have led to the fact that, as the Senator from Georgia says, we are willing—and we have their agreement that they are willing—to sit down with a contractor to talk about the money. That is the real issue because we are talking about a budget item and whether we can afford to do this. If we don't involve the contractor, then obviously we can't get that number down to a manageable number.

So, again, with the leadership of the Senator from South Carolina, we look forward to working with Dr. Moniz and others with respect to sitting down with the contractor and coming to some resolution of the ultimate budget number that is going to be needed.

With respect to Russia, the President met with President Medvedev in 2010, and the two of them, in a press conference, talked about the MOX facility and the agreement on MOX. Here we are 3 years later with this President submitting a budget number that, in fact, in effect starves this program and would have the obvious intended result of eliminating this program, thus breaking his word with President Medvedev in 2010 as well as breaking the U.S. agreement with Russia. That has the potential to have very serious consequences on the international stage.

Also, abandoning the project would have severe economic impact to both the State of Georgia and the State of South Carolina because of the individuals who have been working there for now, as Senator ISAKSON said, 50 years.

It is also going to strand up to 64 metric tons of weapons-grade plutonium. Where else is it going to go? There is no place else for it to go. There is no State jumping up and down saying: Please bring your uranium and your plutonium to my State and we will deal with it. You can transport it to my State. In fact, the exact opposite is happening.

It was intended that we would process this plutonium and it would ultimately ship to Yucca Mountain, as Senator GRAHAM alluded to. Now the State of Nevada is saying no. They are throwing up their hands and saying: We don't want that processed material in

our State because it is hazardous waste.

Well, what we are saying is, we are happy doing what we are doing because we have those trained, sophisticated professionals who know how to deal with this hazardous material. They do an outstanding job of it. We have spent billions of dollars constructing the facilities to the point where they are 40 percent away from being completed now. If we just accept the President's budget, then we will have wasted all of that money and the construction phase of the buildings that are there. Also, we are not going to have anywhere to put this 64 metric tons of hazardous material and weapons-grade plutonium.

So this stands to have economic impacts to our part of the country. It stands to certainly create international issues with the Russians if we break our agreement with them. Also, just as significantly, it leaves 64 metric tons of weapons-grade plutonium outstanding, with nowhere to go, nowhere to store it.

The MOX project was designed to deal with a very sophisticated issue years and years and years ago, and it just makes no sense whatsoever to stop in the middle of it now and say, well, we just don't have the money to take care of something that is as hazardous and potentially as life-threatening as what this weapons-grade plutonium is.

We do need to spend our money wisely. We have to be careful. But there are agreements we need to honor. There are certain aspects of governing that need to be done and need to be done in the right way, and this is simply one of those.

So with the continued leadership of Senator GRAHAM and Senator ISAKSON and Senator SCOTT, I look forward to us sitting down with Dr. Moniz once he is confirmed—and we are all going to vote to confirm him today—because he has so much knowledge about this.

One thing we failed to mention is the fact that he is the guy who negotiated the agreement. He is the guy the President is saying, well, we know you went through some very difficult times in negotiating this with the Russians, but the heck with your agreement, the heck with all the work you did. Thank goodness his attitude is that he wants to work with us.

We want to find a way forward. We look forward to his confirmation being completed, to sitting down with us and the contractor, and let's figure out a way we can make this project the continued success it has been thus far, as well as moving forward.

With that, I yield to Senator GRAHAM.

Mr. GRAHAM. I thank Senator CHAMBLISS.

I believe Senator REED wishes to be recognized for a request.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to be recognized in morning business

after Senator GRAHAM has completed his remarks.

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

Mr. GRAHAM. Just to conclude, I wish to thank both of my colleagues. They have been great partners on this issue and many others. We have tried to be good partners with the Federal Government. We are proud of the Savannah River site and all that has been accomplished over the last 50 years. Now we are moving into a new phase of trying to get rid of Cold War materials—34 metric tons of weapons-grade plutonium here, and in Russia, 60 percent completion of the MOX program.

As to the \$2 billion overrun, that is not lost upon me as being a lot of money. That is a lot of money. But what I am telling my fellow Members of the body, and the country as a whole, there is no way we can find an alternative to MOX cheaper than that \$2 billion. It is just not possible. We have been studying this forever, and in the agreement itself with the Russians, it specifically says MOX, and it prohibits us as a nation from burying the plutonium.

So this is the way forward. I promise the Members of the body and the administration we will lower the cost overruns, I promise. This is a complicated scientific endeavor, but we will lower the cost overruns.

What we will not do is stop the program when it is 60 percent complete and study an alternative that has no possibility of coming about scientifically and could never lower costs and interrupt the disposition of this weapons-grade plutonium and breach the agreement with the Russians. We will not be a party to that. We will keep talking.

As to Mr. Moniz, he will be an outstanding Secretary of Energy. We look forward to working with him.

I appreciate my colleagues coming down and joining me in this colloquy and putting everything on the record about the Savannah River site and MOX.

With that, I yield the floor to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, before I begin my remarks, I ask unanimous consent that at the conclusion of my remarks, Senator CHAMBLISS be recognized for up to 10 minutes to speak as in morning business.

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

#### STUDENT LOANS

Mr. REED. Mr. President, July 1 is less than 7 weeks away, and unless we act the interest rate on need-based student loans will rise from 3.4 percent to 6.8 percent.

Student loan debt is second only to mortgage debt for American families. Now is not the time to add to student loan debt by allowing the interest rate on need-based student loans to double.

I have worked with Chairman HARKIN, Leader REID, and many of my col-

leagues to develop a fully offset, 2-year extension of the current student loan interest rate. Instead of charging low- and moderate-income students more for their student loans, the Student Loan Affordability Act will keep rates where they are while closing loopholes in the Federal Tax Code. We should take up this legislation and pass it without delay.

I know many of my colleagues, including myself, are working on longer term solutions that more effectively reflect market rates—but my concern is, frankly, that we will run up against this July 1 deadline and we will not have the long-term solution in place. We have to do something. That is why I urge us to pick up this legislation as quickly as possible.

Our first priority must be to reassure students and families that the interest rate will not double from 3.4 percent to 6.8 percent on July 1. We have to do that. Then we can work toward a longer term solution. We also owe it to them to commit to a full and thoughtful process for devising this longer term solution, to develop an approach that will set interest rates and terms and conditions on all student loans that will be more reflective of market rates, but also more beneficial to students and their families who are borrowing this money.

Senator DURBIN and I have put forward a long-term proposal that would set student loan interest rates based on the actual cost of operating the program so the Federal Government would not be offering student loans at a profit.

There are other long-term proposals on the table. Some of them, such as the one reported out of the Education and the Workforce Committee in the House today, could actually leave students worse off than they would be if the rates were to double. We need to take the time to fully consider comprehensive solutions to our student loan debt crisis—solutions that will make college more affordable, not less so. Rather than rushing to overhaul the Federal student loan program without fully considering the impact on students and college affordability, the Student Loan Affordability Act will secure low interest rates until Congress can act on the reauthorization of the Higher Education Act. Without swift congressional action, more than 7 million students will have to pay an estimated additional \$1,000 for each loan. These are the students who need the help the most.

Sixty percent of dependent subsidized loan borrowers come from families with incomes of less than \$60,000, while 80 percent of independent subsidized loan borrowers come from families with incomes below \$40,000.

Unlike Republican proposals that would balance the budget on the backs of students by charging them higher interest rates or make students vulnerable to exorbitant interest rates in the future, this legislation which we are

proposing will help ensure that college remains within reach for students who rely on Federal loans to pay for their education. This legislation is fully paid for.

Specifically, the pay-fors would be limiting the use of tax-deferred retirement accounts as a complicated estate planning tool, closing a corporate offshore tax loophole by restricting “earnings stripping” by expatriated entities, and closing an oil-and-gas industry tax loophole by treating oil from tar sands the same as other petroleum products.

We should not be collecting additional revenue from students when we can eliminate wasteful spending in the Tax Code, and we should not allow—not allow—the interest rate to double on July 1.

I hope all my colleagues will support, as the first step, the 2-year extension until we can truly come up with a thoughtful, comprehensive approach to long-term student lending in the United States.

The PRESIDING OFFICER. The Senator from Georgia.

#### MILLER RESIGNATION

Mr. CHAMBLISS. Mr. President, I rise to speak about the resignation of Acting IRS Commissioner Steven Miller.

The request by President Obama and Mr. Miller's resignation is too little too late. This is just another example of the President continuing to search for a scapegoat for his own administration's misdeeds.

The American people deserve trust, and this egregious abuse of power demonstrates the worst fears of the American people that they cannot trust their government.

It has been 2 years since these incidents were first reported, and while Members of Congress were led to believe no malfeasance occurred, the details of the IG report were more shocking than we could have realized, as many conservative groups were not only targeted for additional reviews but were harassed as well. Moreover, in some cases, information was purposefully leaked by the Internal Revenue Service.

These actions are unacceptable, and while President Obama's reactions seem to be sincere, he has not yet demonstrated to the American people that all of those responsible will be brought to justice. Above all, we have to make sure this never happens again.

Mr. LEVIN. Mr. President, I am pleased to support President Obama's nomination of Dr. Ernest J. Moniz to be the next Secretary of Energy. Dr. Moniz has a solid and extensive background in the energy field and I believe will bring a balanced and practical perspective to our Nation's energy policy. Dr. Moniz has significant familiarity with the Department of Energy and its issues, having served as Under Secretary during the second Clinton administration. During the Obama administration, he has served in a num-

ber of advisory positions, including as a member of the President's Council of Advisers on Science and Technology, the Department of Defense Threat Reduction Advisory Committee, and the Blue Ribbon Commission on America's Nuclear Future.

The Committee on Armed Services, which I chair, has jurisdiction over both the Department of Energy's National Nuclear Security Administration, NNSA, and Department's Environmental Management Program. The NNSA is responsible for the management and security of the Nation's nuclear weapons, nuclear nonproliferation, and naval reactor programs. The Environmental Management Program is responsible for cleanup of the environmental legacy from the Nation's nuclear weapons development and government-sponsored nuclear energy research. Combined, these programs represent more than \$16.7 billion of the Department of Energy's \$26.3 billion budget, or more than 63 percent.

I recently had the opportunity to meet with Dr. Moniz and to highlight several issues of importance to the State of Michigan and to the Nation. I look forward to working with Dr. Moniz on these issues.

Among these issues is the Facility for Rare Isotope Beams, FRIB, which will be the world's most powerful rare isotope accelerator and provide cutting-edge research capabilities to study questions about the fundamental nature of matter. Applications of research discoveries from FRIB will assist development of new technologies in the fields of biomedicine, environmental science, and national defense. Michigan State University, MSU, was selected in 2008 after an extensive competitive process, and the FRIB project plans and schedules have been through rigorous Federal review. As home of the National Science Foundation's National Superconducting Cyclotron Laboratory, MSU has solid and well-known expertise in the field of rare isotopes and nuclear physics, with the largest nuclear physics faculty in the Nation and a nuclear physics graduate program that ranks No. 1 in the United States. MSU already produces 10 percent of the Nation's Ph.D.s in nuclear physics. In addition to expanding our knowledge of physics and the life science, successful completion of FRIB also will enhance the education of nuclear scientists and engineers needed to maintain U.S. competitiveness.

Another important issue to the State of Michigan and the Nation is collaboration between Federal agencies, the private sector, and academia on the development and transition of advanced ground vehicle and energy technologies. Collaboration in these areas is critical to leverage and maximize the value of the work being done in the Federal Government, in the private sector, and at our academic institutions around the country. The Advanced Vehicle Power Technology Alliance, AVPTA, is a partnership between

the Department of Energy and the Department of the Army which was created to provide a mechanism for this collaboration. A charter was signed between these two agencies in July 2011 establishing the mission of the AVPTA to “leverage resources and research involving the commercial automotive and defense ground vehicle manufacturers to transition technologies into both the commercial and military marketplaces and increase precompetitive research and development.”

Dr. Moniz is familiar with and supportive of these programs, and I look forward to his Senate confirmation as Secretary of Energy. The Department of Energy has been effectively led by Dr. Steven Chu. Dr. Moniz will carry on that good work.

I yield the floor and 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WYDEN. Mr. President, I believe we have run out of those in the Senate who wish to speak. I would just like to state again that this is a nominee who is supported by both Senator MURKOWSKI and myself. This is a nominee who got an overwhelming bipartisan vote in the Senate Energy and Natural Resources Committee.

As I said earlier, I think he is an individual who is smart about energy policy, he is savvy about how the Department of Energy operates and he is a solution-oriented person and Democrats and Republicans in the Senate Energy and Natural Resources Committee saw that in the confirmation process.

There are huge challenges ahead of him at the Department of Energy, but I think he is very qualified for this position. I would urge all Senators—Democrats and Republicans—to support the nominee.

I yield back all remaining time on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Ernest J. Moniz, of Massachusetts, to be Secretary of Energy?

Mrs. BOXER. Mr. 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 assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. MORAN).



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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 127 Ex.]

YEAS—97

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

NOT VOTING—3

Blunt Coburn Moran

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is 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.

#### MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

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

Mrs. MURRAY. Madam President, I am here today on the floor again to ask that Senate Republicans stop blocking the next step in regular order and allow us to move to a bipartisan budget conference with the House of Representatives. We have waited long enough. In fact, we have now waited 54 days, and it is time to get to work on a bipartisan budget agreement.

The Senate Democrats see no reason for delay. We are very proud of our budget, which puts forward a strong, fair vision for getting Americans back

to work, tackling our long-term debt and deficit challenges, and laying a strong foundation for the middle class in the future. It seems that some of our Republican colleagues in the Senate and House would rather wait now until the next crisis and see if they can extract political concessions with the clock ticking—or maybe they don't want to air the details of the unpopular House budget.

Either way, there is no excuse for putting the American people through another round of partisan brinkmanship. We have already seen that that hurts our economy, and it causes Americans to question whether their government is working for them.

Yesterday the House Republicans met to talk about what they are going to demand in exchange for not tanking our economy. Apparently they are considering a "laundry list," including repealing ObamaCare—which the House will vote on, by the way, for the 37th time today—and restrictions on women's health choices.

House Republicans' practice of leveraging crises for their own gain died with the Boehner rule, and no amount of wishing is going to bring it back. House Republicans may think brinkmanship helps them win political fights, but it does not help the American families and communities we are here to serve.

I urge our Republican colleagues in the Senate to take a step toward a responsible bipartisan budget agreement and a step away from governing by crisis.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, all with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection to the request?

The Senator from Utah.

Mr. LEE. Madam President, reserving the right to object, we want to proceed with this as well. We want a budget. It has been 4 years and it has been far too long. What we want to avoid is a deal negotiated behind closed doors, a backroom deal to raise the debt limit.

I ask unanimous consent that the Senator modify her request so that it not be in order for the Senate to consider a conference report that includes reconciliation instructions to raise the debt limit.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Reserving the right to object, the Senator's request is asking to disregard what the Senate did on

those days—54 days ago—to go through over 100 amendments and defeat those amendments time and time again; to go to conference—not behind closed doors, I would add. A conference committee is a committee that is out in the public.

What is happening right now is closed-door agreements. What we are asking for is an open process where we are allowed to take the Senate-passed budget and the House-passed budget, go to conference, and find out where we can agree so we can put this behind us.

I object to the Senator's request and ask again for our unanimous consent request to move to budget conference, as we do in regular order, which is what the Republicans have been demanding for a very long time.

The PRESIDING OFFICER. Objection is heard.

Does the Senator from Utah object?

Mr. LEE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Madam President, we have gone 4 years without a budget, and the Democratic Senate did act this year and passed a budget. The House has also passed a budget, and it is a historic proposal. It balances in 10 years, it does not raise taxes, and it increases spending every year by as much as 3 percent. It is the right way to go for America, and it is the kind of budget we should be talking about.

Chairman MURRAY has indicated we should go through regular order. But under regular order, what we should do is have the House budget at the desk right now. It is a responsible budget. Under regular order, the House budget should be brought to the floor under section 305(b) of the Congressional Budget Act. Then we can have full debate on that budget with 50 hours and the ability to offer amendments. I think this is what we should be doing.

Instead, our Democratic colleagues and Senator REID have offered consent requests that short-circuit the regular order. Their request would automatically bring the House budget off the calendar, replace it entirely with the Senate's own budget and assume it passes without a single minute of debate or without a single vote being taken. That is not the regular order.

Madam President, first, I ask unanimous consent that after my remarks Senator INHOFE be recognized.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, I object. I wish to respond to the Senator.

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 33, H. Con. Res. 25, the House-passed budget resolution for fiscal year 2014.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, reserving the right to object, what the