

really want to defund the Affordable Care Act, that is not a claim that settles very well with me, especially spending the last 4 years trying to fight this bill. I would say that the administration is lawless in its implementation of this bill, the fact that they are going to pick and choose—regardless of what the law says, they are going to pick and choose what they will implement and what they will not.

I think it is unacceptable. I think it is unfair to the average American. It is certainly unfair to the middle class. It is certainly unfair to those people who are trying to get a job today and cannot get full-time employment. We had 334,000 part-time jobs created last year. At this time in the economy, we should be creating 800,000 full-time jobs a year.

They are correct in terms of what it is doing to job creation. They are correct in terms of the negatives that it is having on our economy. They are correct about every part of this except whether it will actually solve the problem. In contrast to that is what it is that we have done that we can talk about with the American people that has been positive? We have actually shrunk the size of the Federal Government. For the first time since 1995, the discredited spending of the Federal Government is going to decline—for the first time.

We ought to use the continuing resolution, in my mind, to accentuate that one positive thing, which is that the reach and impact of the Federal Government in everybody's lives should be downgraded, as well as with the Affordable Care Act.

There is no one perfect way to do this. There will be disagreements, but the fact is we have accomplished some great things with the Budget Control Act and with the sequester. What we need to do is improve on that.

When I first came to the Senate, the average individual's debt was \$23,000. It is at \$54,000 today. Every man, woman, and child in this country, if you are born today, by the time you are 20 years of age—if you count unfunded liabilities—you will be responsible for in excess of \$1 million of debt and unfunded liabilities.

Let me say that again. If you are born today, by the time you become a majority citizen, you will be responsible for debt and unfunded liabilities in excess of \$1 million. The Affordable Care Act adds to that, but it doesn't add much compared to everything else we have done.

We have to rein in this President. I agree. We need to rein in spending. We need to rein in the Affordable Care Act. If we could end it, I would be for ending it tomorrow. What we need to do is delay it to where we can get to the point where we can kill it. It does need to be terminated.

There are positive things we need to be doing. There is no question that we ought to make available, without discrimination, health care for people who

have preexisting illnesses. Those are positive things. We can do that. There are ways to do it other than the inefficient, ineffective way this bill does it. They weren't even ever considered for a vote when we had this. There wasn't any real debate on alternatives because we weren't allowed to offer them in the Senate.

My time has expired. I commend to my colleagues the CRS, Congressional Research Study, "Potential Effects of a Government Shutdown on Implementation of the Patient Protection and Affordable Care Act (ACA)."

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Kent Yoshiho Hirozawa, of New York, to be a Member of the National Labor Relations Board?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted "nay."

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 190 Ex.]

#### YEAS—54

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

#### NAYS—44

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

NOT VOTING—2

Chiesa

Heitkamp

The nomination was confirmed.

NOMINATION OF NANCY JEAN SCHIFFER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF HARRY I. JOHNSON III, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

NOMINATION OF PHILIP ANDREW MISCIMARRA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consider the following nominations en bloc, which the clerk will report.

The bill clerk read as follows:

Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board.

Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

Harry I. Johnson III, of Illinois, to be a Member of the National Labor Relations Board.

Philip Andrew Miscimarra, of Illinois, to be a Member of the National Labor Relations Board.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jack Reed, Sheldon Whitehouse, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Patrick J. Leahy, Joe Manchin III, Elizabeth Warren, Debbie Stabenow, Carl Levin, Angus S. King, Jr., Charles E. Schumer, Richard J. Durbin, Amy Klobuchar, Richard Blumenthal.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate divided in the usual form prior to a vote on the motion to invoke cloture.

Mr. HARKIN. Madam President, I ask unanimous consent the time be yielded back.

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

By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Nancy Jean Schiffer, of Maryland, to be a Member of the National Labor Relations Board, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

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

The yeas and nays resulted—yeas 65, nays 33, as follows:

[Rollcall Vote No. 191 Ex.]

#### YEAS—65

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

#### NAYS—33

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

#### NOT VOTING—2

Chiesa	Heitkamp
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The PRESIDING OFFICER. The yeas are 65, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, we have three 10-minute votes. We have a 5-minute penalty time, and we need to start wrapping up these votes. The first vote took 30 minutes, so let's try to stick to what we said we would do. There are Senators who wait around here, so it is not fair to them. As soon as we get enough votes, we will move on. We are moving on whether everyone is here or not.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back and the question is, Will the Senate advise and consent to the nomination of Nancy Jean Schiffer, of Maryland, to be a member of the National Labor Relations Board?

Mr. REID. Madam 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted "nay."

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 192 Ex.]

#### YEAS—54

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

#### NAYS—44

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

#### NOT VOTING—2

Chiesa	Heitkamp
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The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Jack Reed, Sheldon Whitehouse, Christopher A.

Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Patrick J. Leahy, Joe Manchin III, Elizabeth Warren, Debbie Stabenow, Carl Levin, Angus S. King, Jr., Charles E. Schumer, Richard J. Durbin, Amy Klobuchar, Richard Blumenthal.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the Pearce nomination.

The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board for the term of 5 years expiring August 27, 2018, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

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

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 193 Ex.]

#### YEAS—69

Alexander	Gillibrand	Murphy
Ayotte	Graham	Murray
Baldwin	Hagan	Nelson
Baucus	Harkin	Portman
Begich	Heinrich	Pryor
Bennet	Hirono	Reed
Blumenthal	Isakson	Reid
Blunt	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Chambliss	Levin	Thune
Collins	Manchin	Toomey
Coons	Markey	Udall (CO)
Corker	McCain	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Murkowski	Wyden

#### NAYS—29

Barrasso	Fischer	Moran
Boozman	Grassley	Paul
Burr	Hatch	Risch
Coats	Heller	Roberts
Coburn	Hoeven	Rubio
Cochran	Inhofe	Scott
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
Cruz	Lee	Vitter
Enzi	McConnell	

## NOT VOTING—2

Chiesa

Heitkamp

The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back and the question occurs on the Pearce nomination.

Mr. WHITEHOUSE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Nevada (Mr. REID), are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from New Jersey (Mr. CHIESA).

Further, if present and voting, the Senator from New Jersey (Mr. CHIESA) would have voted "nay."

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

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 194 Ex.]

## YEAS—59

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

## NAYS—38

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

## NOT VOTING—3

Chiesa

Heitkamp

Reid

The nomination was confirmed.

VOTE ON NOMINATION OF HARRY I. JOHNSON III

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Harry I. Johnson III, of Virginia, to be a Member of the National Labor Relations Board?

The nomination was confirmed.

VOTE ON NOMINATION OF PHILIP ANDREW MISCIMARRA

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Philip Andrew Miscimarra, of Illinois, to be a Member of the National Labor Relations Board?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Washington.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2014—Resumed

Mrs. MURRAY. Madam President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (S. 1243) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Pending:

Murray (for Cardin) modified amendment No. 1760, to require the Secretary of Transportation to submit to Congress a report relating to the condition of lane miles and highway bridge deck.

Coburn amendment No. 1750, to prohibit funds from being directed to Federal employees with unpaid Federal tax liability.

Coburn amendment No. 1751, to prohibit Federal funding of union activities by Federal employees.

Coburn amendment No. 1754, to prohibit Federal funds from being used to meet the matching requirements of other Federal programs.

Murphy amendment No. 1783, to require the Secretary of Transportation to assess the impact on domestic employment of a waiver of the Buy America requirement for Federal-aid highway projects prior to issuing the waiver.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENTS NOS. 1818, 1772, 1800, 1809, 1812, AND 1814 EN BLOC

Mrs. MURRAY. I ask unanimous consent the following amendments be made in order and the Senate proceed to their consideration en bloc: Flake amendment No. 1818, Flake amendment No. 1772, McCaskill-Blunt amendment No. 1800, Blumenthal amendment No. 1809, Menendez amendment No. 1812, and Cochran amendment No. 1814.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. COLLINS. Madam President, it is with great regret that on behalf of Senator COBURN, I am objecting.

I wish to point out that we have worked very hard to clear this list of amendments, and they include amend-

ments from Members on both sides of the aisle. It is a fair list, and I had hoped we would be able to proceed tonight.

Regrettably, there is an objection on our side from Senator COBURN.

I am, however, optimistic that with further work we will be able to deal with that objection. My hope is that in the morning we will have an agreement that will allow me to agree, as the manager on our side, to this list. Unfortunately, at this time, I do need to object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Madam President, 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Madam President, S. 1243 is now pending?

The PRESIDING OFFICER. That is correct.

## CLOTURE MOTION

Mr. REID. I have a cloture motion which is at the desk. With the Chair's permission, I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1243, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

Harry Reid, Patty Murray, Barbara A. Mikulski, Jon Tester, Tom Harkin, Jack Reed, Dianne Feinstein, Tim Johnson, Tom Udall, Mark Begich, Christopher Murphy, Patrick J. Leahy, Richard J. Durbin, Bill Nelson, Christopher A. Coons, Amy Klobuchar, Mazie Hirono, Richard Blumenthal.

Mr. REID. Madam President, before I go further, I want the Senator from Washington and the Senator from Maine to hear what I am saying; that is, I wish to process amendments. We are going to do one in the morning, which has held up things for some time.

There are other amendments pending. We are going to be voting on those. I have no problem with that. This is a piece of legislation we should pass.

I heard the ranking member speak on the floor yesterday, but I was so impressed because she said what is true. This is what we are, legislators. When we pass this, everyone knows what the number is if we pass it.

We go to conference. What happens in conference? The numbers change. This