

Klobuchar  
Landrieu  
Leahy  
Levin  
Manchin  
Markey  
McCaskill  
Menendez  
Merkley  
Mikulski

Murphy  
Murray  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schatz  
Schumer  
Shaheen

Tester  
Udall (CO)  
Udall (NM)  
Walsh  
Warner  
Warren  
Whitehouse  
Wyden

## NOT VOTING—4

Gillibrand  
Murkowski

Nelson  
Stabenow

The motion was rejected.

Mr. PRYOR. Mr. President, I ask unanimous consent that there be 2 minutes equally divided in the usual form prior to the vote on the motion to waive; further, that the remaining votes in this sequence be 10 minute votes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered.

Who yields time?

The Senator from Vermont.

Mr. SANDERS. Mr. President, this budget point of order we are now going to vote on tells us in a very significant way who we are as a people. If you vote for this budget point of order, you are saying that in this great country we do not have the resources to help our veterans with their health care, education, and to be able to deal with sexual assault. We need to help older veterans get the nursing care and build new medical facilities that they desperately need.

I personally—and I have to say this honestly—have a hard time understanding how anyone can vote for tax breaks for billionaires, millionaires, and large corporations and then say we don't have the resources to protect our veterans. We should not be supporting this point of order.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, my only wish is that we had been on the Senate floor debating reforms within the system so we could fulfill and keep the promises we made to our veterans who are currently in that system.

I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Mississippi (Mr. WICKER) would have voted "nay."

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

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 46 Leg.]

## YEAS—56

Baldwin  
Begich  
Bennet  
Blumenthal  
Booker  
Boxer  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Cooms  
Donnelly  
Durbin  
Feinstein  
Franken  
Gillibrand  
Hagan  
Harkin

Heinrich  
Heitkamp  
Heller  
Hirono  
Johnson (SD)  
Kaine  
King  
Klobuchar  
Landrieu  
Leahy  
Levin  
Manchin  
Markey  
McCaskill  
Walsh  
Menendez  
Merkley  
Mikulski  
Moran  
Murphy

Murray  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schatz  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Walsh  
Warner  
Warren  
Whitehouse  
Wyden

## NAYS—41

Alexander  
Ayotte  
Barrasso  
Blunt  
Boozman  
Burr  
Chambliss  
Coats  
Coburn  
Cochran  
Collins  
Corker  
Cornyn  
Crapo

Cruz  
Enzi  
Fischer  
Flake  
Graham  
Grassley  
Hatch  
Hoeven  
Inhofe  
Isakson  
Johanns  
Johnson (WI)  
Kirk  
Lee

McCain  
McConnell  
Paul  
Portman  
Risch  
Roberts  
Rubio  
Scott  
Sessions  
Shelby  
Thune  
Toomey  
Vitter

## NOT VOTING—3

Murkowski Nelson Wicker

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and under section 312 of the Congressional Budget Act the bill is recommitted to the Committee on Veterans' Affairs.

## EXECUTIVE SESSION

## NOMINATION OF MICHAEL L. CONNOR TO BE DEPUTY SECRETARY OF THE INTERIOR

The PRESIDING OFFICER. 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 Michael L. Connor, of New Mexico, to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

Mr. COATS. 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 question is, Will the Senate advise and consent to the nomination of Michael L. Connor, of New Mexico, to be Deputy Secretary of the Interior?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Alaska (Ms. MURKOWSKI).

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

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

[Rollcall Vote No. 47 Ex.]

## YEAS—97

Alexander  
Ayotte  
Baldwin  
Barrasso  
Begich  
Bennet  
Blumenthal  
Blunt  
Booker  
Boozman  
Boxer  
Brown  
Burr  
Cantwell  
Cardin  
Carper  
Casey  
Chambliss  
Coats  
Cochran  
Collins  
Coons  
Corker  
Cornyn  
Crapo  
Cruz  
Donnelly  
Durbin  
Enzi  
Feinstein  
Fischer  
Flake  
Franken

Gillibrand  
Graham  
Grassley  
Hagan  
Harkin  
Hatch  
Heinrich  
Heitkamp  
Heller  
Hirono  
Hoeven  
Inhofe  
Isakson  
Johanns  
Johnson (SD)  
Johnson (WI)  
Kaine  
King  
Kirk  
Klobuchar  
Landrieu  
Leahy  
Lee  
Levin  
Manchin  
Markey  
McCain  
McCaskill  
McConnell  
Menendez  
Merkley  
Mikulski  
Moran

Murphy  
Murray  
Paul  
Portman  
Pryor  
Reed  
Reid  
Risch  
Roberts  
Rockefeller  
Rubio  
Sanders  
Schatz  
Schumer  
Scott  
Sessions  
Shaheen  
Shelby  
Stabenow  
Tester  
Thune  
Toomey  
Udall (CO)  
Udall (NM)  
Vitter  
Walsh  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden

## NOT VOTING—3

Coburn Murkowski Nelson

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

## CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Arizona.

Mr. FLAKE. Madam President, I would like to speak about an issue, but first I would like to yield to the minority leader.

The PRESIDING OFFICER. The Republican leader.

## UNANIMOUS CONSENT REQUEST—S. 2011

Mr. MCCONNELL. I am here in support of what our colleague from Arizona is going to be talking about shortly. It is basically this. We have a White House that is busily at work trying to quiet the voices of those who oppose them by doing the following: They are proposing a new regulation directed at 501(c)(4) organizations that have been active for over 50 years in expressing themselves about the issues of the day in our country. This regulation actually predates the IRS abuses we saw during the 2012 election.

I have spoken a number of times—including a couple of major speeches at one of the think tanks here in town—about what a threat it is to citizens when the heavy hand of the IRS comes down on them because they speak up against policies of the government.

This regulation that Senator FLAKE is going to speak about here in a few minutes that we would like to see delayed for a year has generated 120,000 comments. I would say to my friend from Arizona that I am told there has been no regulation in the history of the IRS that has even approached 120,000 comments. Is that the understanding of the Senator from Arizona?

Mr. FLAKE. That is. In fact, to give some kind of scale here, the Keystone Pipeline, which has been extremely controversial for months and months, has generated about 7,000 comments—7,000 comments for an issue such as that. This has generated north of 100,000.

Mr. MCCONNELL. I think it is reasonable to assume that the reason for that is there are groups out there all across America, on the right, on the left, and in the center who have taken a look at this new regulation and understand that it is the Federal Government using the heavy hand of the IRS to try to shut them up, to make it impossible for them to criticize the government or people like the Senator from Arizona and myself. It is none of the business of the government to be quieting the voices of the American people.

I know our Democratic friends are upset because some conservative groups have been very active. I do not recall the same sense of outrage over the last 50 years when groups on the left were actively involved.

I would say to my friend from Arizona, since these comments are coming from all over, it appears, does it not, that there is a lot of collateral damage here, that the administration may have wanted to target their enemies, but they are hitting some of their friends as well?

Mr. FLAKE. That is correct. Many of the organizations that have sounded alarm bells here are organizations such as the ACLU, the Sierra Club, and others, social welfare organizations that advocate for policy as well, that are concerned that this goes too far.

Mr. MCCONNELL. The final thing I would say to my friend from Arizona is that we have a new Commissioner of the IRS. He has an opportunity, does he not, to clean up an agency that is already in a lot of trouble because of the IRS scandals, because of the new responsibilities they have been given to enforce ObamaCare? This is an agency in trouble already before it wades into a political thicket such as this, particularly when it appears as if this whole regulation really originated at the White House, not at the IRS.

I am reminded that the Commissioner of the IRS during the Nixon administration was asked by the White

House to help target President Nixon's enemies, and the Commissioner of the IRS said: No. No.

I wonder if my friend from Arizona agrees with me that the appropriate response from the new Commissioner of the IRS—responsible for cleaning up this troubled agency—to the White House ought to be, no, I am not going to participate in your effort to quiet the voices of your political foes.

Mr. FLAKE. I would certainly agree. If the IRS wants to establish or re-establish credibility that has been lost, then the Commissioner should say to the White House: I will act independently here.

To go forward with this rule, after what has gone on, would simply be going in the other direction and would be seen—and I think justifiably so—to be working hand in glove with the White House to stifle free speech.

Mr. MCCONNELL. I commend the Senator from Arizona for his leadership on this very important issue. I do not think there is anything more important to our democracy than First Amendment freedom of speech. The last thing an agency whose principal responsibility is to collect revenue for the Federal Government—the last thing an agency like that needs to be involved in is quieting the voices of the critics of this administration—or any other administration, for that matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. I thank the Senator from Kentucky. I certainly echo his comments. I do rise today to urge the Senate to pass legislation to prevent the IRS from trampling on free speech rights, particularly those of 501(c)(4) organizations.

The Stop Targeting of Political Beliefs by the IRS Act—it is a mouthful, I know—is sponsored by Senator ROBERTS from Kansas and myself. It would prohibit for 1 year the finalization of a proposed IRS regulation that would specifically limit the advocacy and educational activities of these groups.

This bill would also prevent additional targeting of 501(c)(4) organizations by restoring the IRS standards and definitions that were in place before the agency started targeting conservative groups back in 2010.

Last spring we learned that the IRS was targeting conservative groups applying for 501(c)(4) tax-exempt status, thanks to a report by the agency's inspector general. Since this discovery several IRS employees, including the Acting Commissioner, have resigned. Investigations by the House of Representatives, the Senate, and the Department of Justice are ongoing.

Nevertheless, on November 29 the IRS published a proposed rule that would restrict the activities of 501(c)(4) organizations, limit their speech, and curtail their civic participation. This rule singles out the same groups that were previously targeted by the IRS and threatens to limit their participa-

tion in a host of advocacy and educational activities, even nonpartisan voter registration and education drives. These activities have a clear role in promoting civic engagement and social welfare, which is the precise purpose for which 501(c)(4) organizations are structured.

Unfortunately, this proposed rule would suppress these organizations' voices by forcing them to quit these activities or be shut down.

While this administration may be focused on quieting its conservative critics, even liberal groups have denounced the rule and called attention to the detrimental impact on free speech by organizations of all ideologies. According to the American Civil Liberties Union, this rule "will produce the same structural issues at the IRS that led to the use of inappropriate criteria in the selection of various charitable and social welfare groups for undue scrutiny."

In response to the Obama administration's claim that these tax groups have become confusing in the aftermath of a Citizens United decision, Nan Aron of the Alliance for Justice Action Campaign has commented that 501(c)(4) organizations "weren't invented in the last election cycle; they've been around for generations. Their purpose isn't to hide donors, it's to advance policies."

Even the Sierra Club has hammered the IRS rule.

As of this morning, I believe it is at least 94,000 comments the minority leader mentioned, and it may be north of 100,000 now, on the proposed rule have been submitted. This marks the largest number of comments ever submitted to any rulemaking. Let me repeat that. This is the largest number of comments ever submitted to any rulemaking.

As I said before, to put it in perspective, the Keystone Pipeline proposed rule we have heard so much about has registered just over 7,000 comments. That is compared to somewhere near 100,000 comments here. Clearly the public sees through this administration's veiled attempt to quash free speech and to shut down opposition to its priorities.

Yesterday the House of Representatives overwhelmingly passed this same legislation, identical legislation in the House, by a vote of 243-176. Already, this legislation in the Senate has 40 Senate cosponsors. It clearly deserves the consideration and support of the full Senate.

However, this legislation has not been permitted to come up for debate in the full Senate. Earlier today Democrats on the Senate Judiciary Committee voted to oppose it, stalling further consideration. I suppose the veto threat issued by the President may have had something to do with that. This veto threat is unfortunate. It is clearly a disproportionate response to legislation aimed at protecting free speech rights of conservatives and liberals alike.

This bill is simple. It only suspends new IRS rulemaking related to 501(c)(4)s until the ongoing investigations are completed. It simply suspends for 1 year. That is prudent and necessary.

I urge my colleagues to join me in support of free speech rights by these groups by approving this legislation to prevent the finalization of the IRS's rule or any other that seeks to continue to target groups based on ideology.

Madam President, with that, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2011, that the bill be read a third time and passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. This bill is clearly within the jurisdiction of the Senate Finance Committee, because it changes the Tax Code. For many months before I became the Chair of the committee, the Finance Committee staff, on a bipartisan basis, worked very hard and very comprehensively in a thoughtful way to address this issue, interviewing 28 IRS employees and reviewing approximately 500,000 pages of documents.

It is my hope—and again, I have been the Chair of the committee for only a little bit over 1 week—it is my hope and expectation that our report will be ready for release next month or in early April.

The Finance Committee, as I have indicated, is the committee of jurisdiction. It has the technical resources, the expertise, and experience to best fashion the appropriate remedies. My view is these matters are simply too important to be handled on the floor without the opportunity for the Finance Committee to address these issues, examine them in hearings, and to have meaningful debate.

The Senator from Arizona believes that the new rules from the IRS are not fair because they limit the public debate. I want to indicate to him and to our colleagues that I don't take a back seat to anybody in terms of promoting public debate. Free speech and fair treatment for all Americans—all Americans—in the political process is absolutely central to what I believe government ought to be all about.

I have tried, with our colleague from Alaska, Senator MURKOWSKI, to show that even in these difficult, polarizing political times, the parties can come together. Senator MURKOWSKI puts it very well in terms of what the future ought to be all about. It truly embodies our campaign disclosure bill—which, I would mention, is the first bipartisan campaign finance bill in the Senate since the days of McCain-Feingold.

Senator MURKOWSKI says it best when she says that what she wants, with re-

spect to the rules for political debate in this country, is the "even-steven" rule. She wants to make sure the same principles that apply to the NRA apply to the Sierra Club, so that all Americans, in the course of political debates, are treated fairly. Also, we both believe that shining a light on the dark money that pulses through the American political system is not going to inhibit free speech. To the contrary, it is going to enhance the public's right to know about who is behind the political ads that bombard them during the political season without accountability or transparency.

I agree with Justice Scalia when he said:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

So there are two reasons for my objection. First, the Finance Committee is the committee of jurisdiction that ought to have the opportunity to address these questions, and I want to assure my friend from Arizona—whom I have worked with many times on issues—that having just become the Chair, I intend to work very expeditiously on this matter, particularly with Senator HATCH.

Second, I point out to my colleagues on the floor there is a bipartisan opportunity in the days ahead to address many of these issues. It is embodied very eloquently by Senator MURKOWSKI, who says: If we are going to be serious about promoting the widest possible debate in this country and treating everyone fairly, we do it in accord with that even-steven principle.

For those reasons, I object at this time to the unanimous consent request.

I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. FLAKE. If I could, I want to respond to a few of the Senator's items.

The Senator is correct, it falls under the Finance Committee's jurisdiction. That is part of the reason why I bring this forward. The Finance Committee is undergoing an investigation that is not yet complete, so I think it would be prudent to forestall the implementation of new rules by the IRS while the Finance Committee investigation is ongoing. I think we all agree we shouldn't move forward on imprecise or incomplete information. That is why we are simply saying we are not proposing a rule, we are saying simply delay the new rule until investigations can be completed.

Also, with regard to the issue of fairness, I should note that this applies to 501(c)(4) organizations, nonprofit organizations. There are other organizations that are also nonprofit but are not included in this proposed rulemaking—for example, labor unions. They offer, under a nonprofit status as well, a 501(c)(5). They are not included here.

The Senator correctly says we should be concerned about fairness for all

groups that are under this kind of non-profit umbrella. That is concerning to a lot of people as well, because those organized under 501(c)(4) status are targeted here when those organized under (c)(5) status are not, when they have some of the same restrictions on what they can do. So we would be imposing new rulemaking and new rules on some organizations and not others. That is one concern and another reason to forestall new rulemaking until we have more complete information about what is going on at the IRS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

## HEALTH CARE

Mrs. MURRAY. I come to the floor this afternoon to take some time to talk about a law this Chamber passed in 2009. I wish to talk a little bit about what it means to serve in this body, what our responsibilities are, and why our constituents sent us here in the first place.

I have served in the Senate for more than 20 years and I have seen my share of controversial legislation. I have seen Democratic bills that Republicans couldn't stand; I have seen Democratic bills that Democrats wouldn't vote for; and I have seen bills that pretty much everybody opposed. But what I have seen in the last 4 years since the Affordable Care Act was passed by Congress and signed by the President is something new altogether.

Since the day that law passed, I have seen some of my Republican colleagues set reason, and some of their basic duties as public officials, completely aside, all in opposition of a law that means millions of Americans have access to affordable, quality health insurance they couldn't get before. It is a law that means millions of young people, many of them fresh out of college, are able to stay on their families' insurance plans. It is a law that says it is illegal for insurance companies to charge women more money just because they are women. It is a law that has provided millions of Americans with access to free preventive screenings and health care such as colonoscopies, mammograms, and flu shots. It is a law that says if you are an American and you have a preexisting condition, it is illegal for an insurance company to turn you away.

Since 2009, I have seen some of my colleagues simply refuse to acknowledge those facts about the law. I have watched them time and time again not listen to or hear stories of people in their own States whose lives have been changed by the Affordable Care Act and others who simply need access to get the benefits that are theirs. Some of my colleagues have even passed laws that make it harder to get covered under the Affordable Care Act.

One of our responsibilities as Senators, as public servants, is to help our