

having founded and run a bank that focuses on making small and mid-size loans. She also served as the head of California's Business, Transportation and Housing Agency. The SBA will benefit from the valuable insight Ms. Contreras-Sweet gained from this combination of experience working directly with small businesses and administering a large government agency. The experience will serve her well as SBA Administrator.

As a member of the Senate Committee on Small Business and Entrepreneurship I had the opportunity to engage Ms. Contreras-Sweet during her confirmation hearing. She impressed me with her understanding of all that it takes to launch and run a successful small business. She has the skills and the enthusiasm to help entrepreneurs drive our economic growth and create jobs.

I am happy to support Ms. Contreras-Sweet's nomination and I look forward to working with her as the SBA Administrator.

The PRESIDING OFFICER. Who yields time?

Ms. CANTWELL. Madam President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Maria Contreras-Sweet, of California, to be Administrator of the Small Business Administration?

The nomination was confirmed.

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

PROTECTING VOLUNTEER FIRE-FIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that at 1:45 p.m. today the Senate proceed to executive session and resume consideration of the Owens nomination—Calendar No. 573; that notwithstanding rule XXII, the Senate proceed to vote on the motion to invoke cloture on the nomination; that immediately following the cloture vote and notwithstanding rule XXII, the Senate resume legislative session and proceed to vote on the motion to invoke cloture on H.R. 3979; further, if cloture is invoked on the Owens nomination, all postcloture time be considered expired at 5:30 p.m., Monday, March 31, and the Senate proceed to vote on confirmation of the Owens

nomination; that upon disposition of the Owens nomination, the Senate resume legislative session and, if cloture is invoked on the motion to proceed to H.R. 3979, then all postcloture time be considered expired and the Senate proceed to consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that following the cloture vote on the motion to proceed to H.R. 3979, the Senate proceed to executive session to consider Calendar No. 700; that there be 2 minutes for debate, equally divided in the usual form prior to a vote on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SGR

Mr. REID. Madam President, for the knowledge of all Members, 20 minutes ago or so the House passed by voice vote the—

Mrs. BOXER. Madam President, the Senate is not in order. No one can hear.

The PRESIDING OFFICER. The Senator from California is correct. The Senate is not in order. The Senate will be in order. Senators will bring their conversations to a close.

The majority leader.

Mr. REID. Twenty minutes ago the House passed by voice vote the 13-month patch of the SGR.

There was work done on a bipartisan basis by all Senators to get a permanent fix. We can only do what we can do. I have had a number of my Republican colleagues come to me and say: We will do this, but you have to get the assurance of the Speaker that he would accept this, and the Speaker would not accept what was being proposed. The original plan was my idea and I am very disappointed it didn't work out, but I have been trying to do it for 4 years, so I am not surprised. But it is no one's fault in the Senate.

We have a new chair of the Finance Committee. He has worked very hard on a bipartisan basis to come up with a way to get rid of this SGR once and for all. We weren't able to do that.

So the patch we have is imperfect, but it is something that will take care of things. I don't mean to be mean-spirited, but I am tired of people saying you are taking care of the doctors but no one else. We are taking care of patients for the next 13 months—patients—and I think that is extremely important. We have millions of people who have doctors who take Medicare patients. For us not to do this would have been truly unfortunate.

I am disappointed we aren't able to get a permanent fix, but we have been

able to do that. We should be very happy we have been able to do as well as we have done. I personally am not overjoyed about what is in the bill, but I am satisfied with what is in the bill. I hope we can expeditiously move and get this done today.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VENEZUELA

Mr. RUBIO. Madam President, the reason I come to the floor is to call attention to a crisis that has fallen off the front pages over the last few weeks; that is, the situation in our own hemisphere that is occurring in Venezuela. I recognize there have been news stories about an airplane that has been tragically potentially lost—or has been lost. We don't know the full outcome of that yet. I know the situation in Ukraine has captivated the attention of the public—and rightfully so—and I am pleased to see the Senate has taken important steps today toward addressing that issue.

I wish to speak about something that is happening in our own backyard, in our own hemisphere; in fact, something that is impacting hundreds of thousands of people who live in Florida because they have family members who still live in the country of Venezuela.

Since February 4 of this year, Venezuelans have been taking to the streets to complain about their government. These Venezuelans are from all walks of life, but they have truly been motivated by young people, by students.

The origins of this public discontent are important to understand because they are not just purely political. It in fact has to do with the dysfunction and the failures of the government that is currently in charge of that country. The statistics bear out that dysfunction and their failures. For example, violence and insecurity is among the highest in the entire Western Hemisphere. The murder rate in Venezuela was 79 per 100,000 people in 2013.

In the city of Caracas, the capital of Venezuela, the murder rate is actually almost double that. It is 122 per 100,000, making it one of the most dangerous cities on Earth. The unbridled corruption that exists in terms of how State assets are used—Venezuela is an oil-rich country. There are individuals in that government who have empowered themselves of Venezuela's oil, not their oil, and are basically giving it away to countries such as Cuba and others and using it as their own personal piggy bank for personal enrichment and to fund their governmental operations at the expense of the people of Venezuela.

Their inflation rate is 57 percent. In fact, this week Fitch ratings lowered Venezuela's sovereign debt rating into junk territory from B-plus to B. They warned, by the way, that further downgrades are on the way.

There is also this unprecedented scarcity of basic goods, including food staples; even things such as toilet paper there is a shortage of. I will show some graphics. This is a line of people waiting in the city of San Cristobal to go into a supermarket. We are talking about a rich country. This is not a Third World country. This is not a nation that is poor. This is a revenue-rich nation, among the most resource rich on the planet. Here is a line of people waiting to go into a grocery store, reminiscent of Cuba, for example, a country whose model this government follows, and we will talk about that more in a moment.

Let me show my colleagues a picture of some store shelves inside a Venezuelan supermarket: completely empty, nothing on the shelves. This is the economic reality of the failure of the Maduro-Chavez government in Venezuela today, and this is why, among other reasons, people have taken to the streets to demonstrate.

There was another catalyst: a sexual assault that occurred on a college campus, and students were protesting against law enforcement's unwillingness to address that assault. The government cracked down—but not on the sexual assaulters, not on the perpetrators, on the demonstrators.

All of these things we have talked about—the failure of that State, the lack of democratic opening, the political abuses, the corruption, and the economic disaster of the Venezuelan Government—led to demonstrations that began on February 4 and continue throughout the country.

I want to show you a picture of what those demonstrations looked like. It is estimated that hundreds of thousands of people took to the streets to protest, and they were protesting the things I have outlined already: the insecurity, the violence, the scarcity of basic goods, the lack of opportunity, the political repression.

Meanwhile, Nicolas Maduro, the President of that country, and all of his cronies live a life of luxury—and we are going to talk about that more in a moment—because this government is surrounded by individuals who are living lives of luxury not just in Venezuela but in Florida.

While the people take to the streets—and you saw the empty store shelves—there are people tied to the Government in Venezuela buying gold-plated iPads—I did not even know there was such a thing—in Miami and investing in enormous properties and mansions, with the money they are stealing, with the help of the Maduro government, from the people of Venezuela, leading to these protests.

So what has been the response of the Maduro government? What has been

the response to these legitimate complaints about what is happening in Venezuela?

I am going to show you some images of what the response has been from the government.

Here is the first. Here is their national guard. Here is their national guard battling with students in the streets, fully equipped with riot gear, ready to battle against them. This has been their response: repression at every turn in multiple cities.

Here is the other response: teargas—teargas by a fully armored individual, firing teargas canisters into the crowd.

Let me talk about the teargas for a moment. Let me show you this canister. This canister that was used against peaceful protesters actually has a marking. It says: "HECHO EN BRASIL"—"MADE IN BRAZIL." And there have been reports, in fact, that there has been some U.S.-manufactured teargas being used against protesters in the streets in Venezuela.

But if it stopped at teargas, it would be one thing. But it has not stopped at teargas. In fact, it is now known that the Interior Ministry of Venezuela authorized snipers to travel to Tachira State and fire on demonstrators.

Here is a picture of a government official, of a law enforcement or army or national guard individual, or an Interior Ministry individual on a rooftop with a rifle and a scope aiming into a crowd.

Here is a picture of a sniper. It does not end there. Those are not the only pictures we have.

Here are more pictures of more snipers on rooftops.

Here is another sniper aiming into the crowd, with a spotter next to him.

Here is another blown-up picture of the same sniper.

These are government-sponsored individuals. What civilized planet on Earth sends the national guard and the interior ministry of their own government, of their own country, with snipers to fire on their own people who are demonstrating because of the lack of freedoms and opportunity and economic degradation that exists in a country?

They cannot deny this. Here are pictures, taken by demonstrators themselves, of the snipers ready to shoot down people. In fact, 36 people have lost their lives.

But it does not end just with the government snipers. Because what the government is trying to do here to hide their involvement is they have organized these progovernment militia groups, basically—these militant groups that they hide behind. These groups do not wear uniforms. They are called "colectivos." They drive around the city on motorcycles, and they assault protesters. They break in and vandalize their homes. They have weapons that they use to shoot into the crowds and kill or harm people.

There are three main groups. By the way, these groups began under Hugo

Chavez's reign, and these groups are actually organized around a concept that has existed for years in Cuba—these committees to defend the revolution. These are neighborhood groups, so they know your family, they know who you are, they are always watching, and they organize themselves into armed militias. The government's claim is: Well, these groups are on their own. We are not coordinating with them. But, in fact, there have been multiple reports that these groups coordinate with the national guard to take down barricades set up by protesters, to break into the homes of protesters, to vandalize homes, to terrorize people, and to kill.

There are three main groups that I want to point out, these colectivos.

La Piedrita is one of them. It is based in a working-class neighborhood of Caracas. It has a far-left ideology. It is armed. It is comprised of radicals who claim to be willing to die for their revolutionary ideals—whatever those are.

In January, this group, by the way, tweeted that Henrique Capriles—the opposition party's nominee for President in the last elections—is a racist and a fascist and accused him of intending to launch attacks on the poor and on impoverished neighborhoods.

Another colectivo: the Patriotic Force of National Liberation. This group bases its beliefs on the teachings of a leftist revolutionary and murderer by the name of Che Guevara.

A third group is the Tupamaro Revolutionary Movement. This is an armed communist political and militant organization that also operates out of Caracas.

These are just three of these armed, un-uniformed, thuggish, criminal groups that operate under the auspices and at the direction of the government of Nicolas Maduro and the people who surround him.

So what is the result?

The result is there have been over 1,800 people detained in Venezuela since this began last month. Over 450 people have been injured. Over 50 people have been tortured while detained—that we have reports on. And over 36 people have been killed.

This is not happening on a continent halfway around the world. This is happening in our hemisphere, right now, in real time. And these numbers, they just summarize the depth and the scope and the breadth of what is happening in the regime's brutality in Venezuela.

But these are not just statistics. Behind every single one of these—behind the 36 who have been killed, behind the 1,800 who have been detained, behind the 450 who have been injured—are real people, with names and families and fathers and mothers and brothers and sisters and children. I want to tell you the story of a couple of them.

The first is Marvinia Jimenez. Here in this picture you see her on her knees as part of a peaceful protest. And here you see an armed individual with a pistol pointed at her. She is on her knees

and poses no threat. She has given herself up as a peaceful protester, as she confronts an armed individual associated with the government holding a pistol.

What happened next in these pictures is these armed individuals from the Interior Ministry grabbed her by the wrist and head. They subsequently throw her to the ground. And here is what they do when she is on the ground. This individual here—a female, a member of the Interior Ministry—takes off her helmet and proceeds to beat her in the head with that helmet.

Here is the picture. This is real. This is not a movie. This is happening. This is happening now.

This happened to Marvinia Jimenez, and luckily someone caught it on their phone and was able to capture these images.

These are uniformed individuals associated with the government. You saw she had given herself up and was on her knees. And this is what happens: She gets beaten in the face with a helmet. She lived to tell her story. But there are others who have not been so fortunate.

Here is Geraldine Moreno. She was a college student in the city of Valencia.

On February 19, she stepped outside of her home to see what was going on during an antigovernment protest. Six national guard members—six national guard members of the Maduro government—came by on motorcycles to break up the protest.

As the demonstrators fled, they fired into the crowd, and she was hit by gunfire and fell to the ground. She struggled to get up, and just then one of the national guard members came up and shot her in the face at point blank range and killed her.

Geraldine was someone's daughter. In fact, she was not just anyone's daughter, she was Rosa Orozco's daughter, and Rosa has lost her daughter forever.

This is the youth of Venezuela. This is supposed to be Venezuela's future, and they are being indiscriminately mowed down in the street by the government of their own country.

There are some inspiring stories too.

As shown in this picture, this is Maria Corina Machado, a member of the Venezuelan opposition party in Parliament. She was here in Washington this week. She has bravely spoken out against these things going on in Venezuela, and bravely, the Government of Panama gave her the space to speak out on behalf of the people of Venezuela at a recent OAS meeting. But, shamefully, the rest of the countries that are members of the OAS—not the United States or Canada but every other country did nothing to defend her right to speak, and she was denied the right to tell the world the truth about what is happening.

She could have stayed in exile and asked for political asylum, but do you know what this brave young woman did? She got on an airplane and flew back to Venezuela—to her country—to continue the fight there, peacefully, as a member of their Parliament, as a member of the opposition party.

Well, when she arrived, she was immediately detained at the airport in Caracas. She was questioned by the thugs you just saw, who no doubt tried to intimidate her in that questioning. She was verbally attacked by government supporters at the airport. And then she got in her car to leave, to go to her destination, and these same thugs tried to run her car off the road. They are so incompetent that they could not even carry that out, thankfully. She finally made it to her destination.

And then guess what happens this week. The speaker of their so-called National Assembly—an individual by the name of Diosdado Cabello—a Maduro loyalist, a criminal—decided to remove her, to basically just expel her from the National Assembly. She is no longer a member of the National Assembly—unilaterally dismissed by the equivalent of their Assembly's president, their speaker.

The OAS's response to this has been shameful. The Organization of American States has been downright embarrassing and shameful. I thought it was best summarized by the opposition leader Leopoldo Lopez, who wrote in the New York Times on March 25:

The outspoken response from human rights organizations is in sharp contrast to the shameful silence from many of Venezuela's neighbors in Latin America. The Organization of American States, which represents nations in the Western Hemisphere, has abstained from any real leadership on the current crisis of human rights and the looming specter of a failed state, even though it was formed precisely to address issues like these.

Why do we even need an OAS—an organization of democratically elected governments—why do we even need it, why are we even members of it, why do we even contribute funds of American taxpayers towards it, if it cannot meet and address systemic human rights abuses such as these?

I am less than pleased, by the way, with our own government's reaction. This is not a partisan issue, but I have to say this. President Obama has expressed he is concerned about this. To his credit, the Vice President was stronger in condemning the Maduro regime.

We are not just concerned about this. We should be outraged about this. Just as we are outraged when things go wrong in other parts of the world and weigh in with sanctions—and we should—and our voices—and we should—this is happening in our own hemisphere, right underneath our nose. And it is shameful that the leadership of our government has so far not done more to address this. But we can change that, and I am hoping that we will.

What I hope to do over the next few days is to propose specific sanctions against individuals and companies associated with the Maduro regime so they know there are consequences for what is happening here. And you think our sanctions have an impact on Russia in its violations of Ukrainian sovereignty? Sanctions against Maduro and his government would have a dra-

matic impact. Because all those people who are around him who are getting rich off this regime, who are supporting these abuses so they can stay in power and keep making money, they all have bank accounts and property and restaurants and businesses and mansions in the United States of America. And if you support this, this government should sanction you.

I ask what I did a few weeks ago in a speech on this subject: If the United States of America will not stand up and be a strong voice on behalf of people who all they seek is freedom and liberty that our own founding documents say belong to all people—rights given to them by their Creator—if the United States of America will not be a forceful voice, what nation on Earth will? They look to us. Our own model of freedom and our Republic inspires people. We say we stand for these principles. We need to defend them when they are threatened, especially in our own backyard.

So I hope in the weeks to come we can pursue these targeted sanctions against some of these individuals associated with the government, like the Assembly president Diosdado Cabello, and others such as these individuals who we will come on the floor in the next few weeks and identify by name, those who benefit from the systematic violation of human rights in Venezuela, who are stealing money from the Venezuelan people, who are using the resources of that nation to enrich themselves. In the next few weeks, we will identify them by name and the properties they own and the assets they hold in our own Nation.

But I implore my colleagues not to ignore this issue. This is happening right now, right in our own backyard, in our own hemisphere, and it is impacting real people at an extraordinary price.

So I hope in the weeks to come that I—along with Senator MENENDEZ and others who have united behind us and with us—will be able to convince enough of my colleagues to take the next step.

We have already unanimously passed the resolution condemning all of this. I thank my colleagues in the Senate for that. The next step is to build in real consequences for being a part of this. My colleagues will have an opportunity to be a part of this in the next few days, especially when we return next week.

I hope we can get a hearing on these sanctions in the Foreign Relations Committee, and I hope we can get passage of it on the floor, so we can send a clear signal to the people of Venezuela: The people of the United States of America are on your side. We support your cause. We will not forget what you are going through. We will not abandon your aspirations. We stand for the liberty and the freedom of all people, including those who do not live here with us.

This is what we are going to have a chance to do in the next few days. I hope we can successfully take action.

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

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

HEALTH CARE

Mr. BROWN. Madam President, I was not planning this today, but as many of my colleagues do, I do a morning coffee where anybody from my State of Ohio—as Senator DURBIN does in Illinois, Senator UDALL in New Mexico, and others—and my colleague from Ohio does one too, Senator PORTMAN—people can come in from around the State and talk about what they want.

A couple came in today, a father and a mother and two children. One looked to be maybe 10 and the other looked to be maybe 15. They came and wanted to talk to me about their private school. They have sort of a home school association, it sounded like, from a conservative part of Ohio, Southwest Ohio. We talked about what we could do to help them in terms of educating their children.

Then, right before we parted—and I was going to see other people at this coffee; we had maybe 75 people there—the mother of these two children said: By the way, thank you for the Affordable Care Act.

I said: How is that?

She pointed to her son. She said: My son—I think he was 15. She said: My son is diabetic. As I learned later, he was diagnosed at the age of 6 and has injected insulin into his arm and his leg for 8 or 9 years. She said: My son who is diabetic, we could not get insurance because of my son's preexisting condition, diabetes. We were turned down—I counted them. We were turned down 34 times for insurance. My family was turned down 34 times for insurance. Because of the Affordable Care Act we now have health insurance.

She smiled. That is one of the most poignant stories I have heard about the importance of this new law. There are 160,000 people in my State who now have insurance that did not have it in December. But this family—you think about what this is all about. This family's peace of mind, this family's ability to focus on other things now, because they have insurance that they could not get, even though he had a job—the father had a job—I am not sure where the mother worked.

But the point is, they were turned down, she said, 34 times because their son cost the insurance more money be-

cause he had a preexisting condition with diabetes. So I guess my question to my colleagues is, why do we want to repeal this? How do my colleagues, including many, many elected officials in my State who before have been resistant to the Affordable Care Act to win elections, saying: Repeal the Affordable Care Act—how do they explain that to this family—if they met this family and the mother said: We have insurance; we were turned down 34 times. Why do you want to repeal this law? Why do you want to take it away from the 160,000 Ohioans who have insurance? Why do you want to do that to the 100,000 25-, 22-, and 19-year-olds in Ohio—in my State alone, one State of the 50 where 100,000 young people have insurance and they are on their parent's plan because of the Affordable Care Act.

Some 900,000 Ohio seniors have gotten check-ups, no copay, no deductibles, free checkups, free osteoporosis screenings, and free physicals because of the Affordable Care Act.

How do you take that away from those seniors? How do you take away the \$900 in savings that the average senior in my State, who is on this—President Bush's, initially—drug plan, the Medicare drug plan? How do you take away that \$900 savings? You are going to repeal ObamaCare? You are going to repeal the Affordable Care Act and take those away? How do you face the people like the family I met today? Thirty-four times she was turned down for insurance. I did not make this up. That is her number. She said: I counted; 34 times they turned our family down for insurance because my child has diabetes. How do you think that makes him feel, first of all. But equally importantly, she has the comfort and safety in her mind now of having insurance.

I do not even understand. What do my colleagues do? Do they wake up every morning thinking: I want to take that insurance from 150,000 Ohio families; I do not want them to have it; I want to take those benefits from those 900,000 Ohio seniors. I want to make them pay \$900 more.

That is what they are saying: Repeal ObamaCare.

We lose all of that, if they want to keep talking about taking these benefits away. Let's live with this law. Let's make it work well. It is starting to work really well in Ohio. We are having thousands of sign-ups every single day. I know in the Presiding Officer's State of Hawaii, they are getting lots of people to sign up. Lots of young people are signing up. Let's move on. Let's stop debating this. Help make it work better. Let's talk about how we create jobs, not how you are going to repeal some health care law that you did not like because it did not fit with your ideology or you did not like the President—whatever the reason my colleagues seem to not like the Affordable Care Act.

History is going to say over and over: Why do you want to take these benefits away? This is working. Remember back with Medicare in 1965. They were not the tea party. They were called the John Birch Society back then. They did not like it. Insurance companies did not like it. But everybody liked it 5 years later.

Social Security—the same forces, the same far right forces opposed it. Five years later, people liked it. This stuff works. It is going to make such a difference in people's lives. Forget about the 150,000. Forget about the numbers. Focus on that family—34 times turned down for insurance. She has insurance now. Her diabetic son can get the care he needs. That is such a wonderful thing.

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

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

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

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

REMEMBERING PETTY OFFICER MARK MAYO

Mr. CARDIN. I rise to speak about the tragic death of a fellow Marylander, PO2 Mark Mayo. His heroic sacrifice is the truest display of the U.S. Navy's core values of honor, courage, and commitment. The U.S. Navy confirmed yesterday that PO2 Mark Mayo put himself in harm's way to save his shipmate. On behalf of a grateful nation and on behalf of my fellow Senators, I offer condolences to the families, friends, and shipmates of Petty Officer Mayo.

The tragic events this past Monday evening are still under investigation by the Naval Criminal Investigative Service, but what we know so far is that at approximately 11:20 p.m. there was a shooting on board the destroyer Mahan.

A civilian who was behaving erratically approached the Mahan's quarterdeck and was confronted by the ship's petty officer of the watch. The two engaged in a struggle and the civilian was able to disarm the sailor.

Petty Officer Mayo, serving as the chief of the guard, witnessed the fight and ran to the quarterdeck and placed himself between the civilian and his shipmate, the petty officer of the watch. The civilian opened fire and fatally wounded Petty Officer Mayo.

U.S. Navy CAPT Robert Clark, Norfolk Naval Station's commanding officer, said:

Petty Officer Mayo's actions were nothing less than heroic; he selflessly gave his own life to ensure the safety of the sailors on board.

Petty Officer Mayo's parents, Sharon Blair and Decondi Mayo, said their son's actions reflected his strong, caring nature. As his mother put it: "He protected people. He was a protector."

Petty Officer Mayo was born in Washington, DC, and moved with his family to Hagerstown, MD, in 1998. He enlisted in the Navy in 2007, 4 months after graduating from Williamsport High School, where he was a Washington County wrestling champion, because he wanted to serve his country and because the Navy offers educational opportunities. He enlisted in the Navy, and he reported to Naval Station Norfolk in May of 2011. Petty Officer Mayo's mother, who is a geriatric nursing assistant, said he always wanted to work in law enforcement.

Randy Longnecker, Petty Officer Mayo's former guidance counselor at Williamsport High School, recalled him as a kind and easygoing student who earned good grades, saying:

He always wanted to make sure he was doing the right thing. He liked athletics and being part of a team. He must have fallen in love with the Navy.

Petty Officer Mayo served tours of duty in Rota, Spain, and in Bahrain. He earned the Good Conduct Award, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the Navy and Marine Corps Overseas Service Ribbon. He was a distinguished member of the Navy.

Americans are privileged and fortunate to have such brave and outstanding young men and women serving in our Armed Forces. We must never forget the sacrifices they and their families make on our behalf in defense of freedom.

Petty Officer Mayo has made the ultimate sacrifice. While his death is tragic, we should remember and honor the way he lived and how he voluntarily chose to save a fellow sailor from harm. He is an American hero.

I yield the floor and 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. CRAPO. I ask unanimous consent that the order for the quorum call be rescinded.

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

OWENS NOMINATION

Mr. CRAPO. I rise to discuss the nomination of John Owens to the Ninth Circuit Court of Appeals.

Mr. Owens, who currently works as a lawyer in California, has been nominated to fill the seat that has been held for the last 25 years by Judge Stephen Trott of Idaho.

Judge Trott took senior status on December 31, 2004, making the Trott seat the longest current vacancy of any seat on the Federal circuit courts.

That doesn't mean that there haven't been previous attempts to fill this seat. In a letter to the Idaho Senate delegation in 2003, then White House Counsel Alberto Gonzales stated:

I also want to make clear the President's commitment to nominate an Idahoan for a

second Ninth Circuit seat if Judge Trott retires or assumes senior status while President Bush is still in office. Idaho has had two Ninth Circuit seats for more than a decade, and that allotment is appropriate.

As such, when Judge Trott did take senior status the following year, President Bush nominated Judge Randy Smith of Idaho to the Trott seat. At the same time another nominee was pending in the Senate to fill another Idaho vacancy on the Ninth Circuit.

Regrettably, Senate Democrats used the longstanding Senate rules that were available at that time to block the confirmation of both Idaho nominees. The reason given by the California delegation for blocking the Randy Smith nomination to the Trott seat made clear that the objections had nothing to do with Judge Smith's qualifications and that they were willing to support his confirmation to the other Idaho seat, the Nelson seat, which is ultimately what happened.

As such, the California delegation blocked Randy Smith's nomination to the Trott seat, not because they believed he was not qualified but because they wanted the seat moved to California—and he was not a Californian.

The so-called Trott seat on the Ninth Circuit has been held by five different judges, including Judge Trott, since it was first created in 1935.

The first judge to hold that seat was from Oregon. The next two judges to hold that seat were from Washington State. Judge Sneed of California, the only judge in that seat to maintain his chambers in California, was the next to hold the seat. Finally, as I mentioned earlier, Judge Trott was the next to hold that seat, and he has maintained his chambers in Idaho for his entire 25 years on the bench.

Despite the fact that California already has more than 20—that is right, more than 20—active and senior judges on the Ninth Circuit Court of Appeals, the California delegation apparently believes that Californians have been denied justice for the past 25 years and that the only remedy is to add yet another California judge, leaving the State of Idaho with only one, single active judgeship on the Ninth Circuit. Senator Risch and I had multiple conversations with the White House counsel in President Obama's first term where we expressed our interest in working with the White House and the California delegation to reach a resolution to this long-standing dispute in a way that would satisfy both delegations.

Clearly, the Idaho delegation and the Idaho people are disappointed by the President's decision to decline to nominate an Idahoan to fill the Trott seat.

It is even more disappointing that declining to submit any nominee for the Trott seat in his entire first term, the President has chosen to wait until the Senate Democrats unilaterally broke the longstanding Senate rules regarding the consideration of nominees in order to push through this nomination,

rather than working with the Idaho and California delegations to develop a mutually agreeable solution.

If these new Senate rules had been in place when Judge Trott first took senior status, the California delegation would not have had the opportunity it took advantage of to block the appointment of Idaho nominees to this seat.

This dispute is not about the qualifications of Mr. Owens. He has been rated unanimously well qualified by the American Bar Association, and I would be happy to work with the California delegation to support his nomination for the next California vacancy on the Ninth Circuit.

But I cannot support a process that is the result of an unfair breaking of the Senate's rules in order to push through a nominee that takes away a seat that has been an Idaho seat on the Ninth Circuit for 25 years, leaving Idaho with only one seat on the Ninth Circuit Court of Appeals.

Sadly, because of the Senate Democrats' rule change, the Idaho delegation will not have the opportunity to stop this effort.

Therefore, I will vote no on this nomination, and my hope is that, if confirmed, Mr. Owens will make the same decision that Judge Trott did 25 years ago by also choosing to maintain his chambers in Idaho.

I yield the floor and 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.

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

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

Mrs. FEINSTEIN. Madam President, I have come to the floor to urge my colleagues to support the nomination of John Owens to the U.S. Court of Appeals for the Ninth Circuit. This was approved by the Judiciary Committee without dissent.

I would like to quickly mention his qualifications. He received his bachelor's with high distinction from the University of California in 1993 and was inducted into Phi Beta Kappa. He graduated first in his class at Stanford Law School in 1996.

From 1996 to 1997 he was law clerk to Judge J. Clifford Wallace, a noted conservative jurist appointed by President Nixon to the Ninth Circuit. He then went on to serve as a law clerk to Supreme Court Justice Ruth Bader Ginsburg.

In 2001 John Owens became a Federal prosecutor, joining the U.S. Attorney's Office in Los Angeles, California. He began in the general crimes section, prosecuting a wide variety of violent crimes—drug crimes. He also served in the public corruption and government fraud section.

From 2004 to 2012, he served in the U.S. Attorney's Office in San Diego.

There, primarily his focus was prosecuting complex crimes, including fraud, health care, money laundering, public corruption, and national security.

He has had occasion to receive more than one award, among them the Director's Award for Superior Performance from the Justice Department. Mr. Owens has broad support, and the American Bar Association has given him their highest rating of "well qualified."

The problem that has arisen around this nomination, though, is not really his qualifications because the record will bear those qualifications out. It is the longstanding discussion over the seat vacated by Judge Stephen Trott. There is a history here, and I would like to explain it.

This seat has been vacant for over 9 years—since Judge Trott took senior status in December 2004. It is the longest running vacancy in the entire Federal judiciary. The Ninth Circuit has the greatest number of pending appeals per panel. It takes longer than other circuits to resolve an appeal. It makes no sense for this seat on the busiest circuit to stay vacant any longer.

My colleagues from Idaho have asserted that this is a vacancy which should be filled by someone from their State. Let me explain why that is not the case.

Judge Trott, whom Mr. Owens would replace, spent his entire legal career in California before joining the Justice Department under President Reagan. Throughout his career he was licensed to practice law in one State—California. Beginning in 1965 he served as county prosecutor in Los Angeles. In 1975 he sought the position of DA from the Los Angeles County Board of Supervisors after then-district attorney Joseph Busch passed away. When John Van De Kamp was named district attorney, Trott was chosen as his chief deputy, the second in command in the Los Angeles District Attorney's Office. In 1981 President Reagan appointed Mr. Trott to be U.S. attorney for the Central District of California.

All these things are happening in California. He was recommended for the U.S. attorney position by Senator S.I. Hayakawa of California.

In 1982, while serving as U.S. attorney, he again submitted an application to the Los Angeles County Board of Supervisors to become DA after the DA, John Van De Kamp, was elected to be California's attorney general.

Trott was nominated by President Reagan in 1983 to serve as Assistant Attorney General for the Criminal Division at the Department of Justice. At his confirmation hearing for that position, Senator Pete Wilson of California introduced him. Judge Trott's official Judiciary Committee biography states that his legal residence at the time was California.

Now, this is all about whether Trott occupies an Idaho seat or a California seat.

In 1986 he was nominated by President Reagan to be Associate Attorney General. Once again Senator Wilson of California introduced him at his confirmation hearing, and once again his official Judiciary Committee biography states that his legal residence at the time was California.

In 1987 President Reagan nominated Trott to the Ninth Circuit. The Judiciary Committee sent blue slips to Senators Wilson and Cranston of California. That is the point. The point is that historically Judge Trott has occupied a California seat. He stated in his committee questionnaire that his "two clients have been the People of the State of California and the Government of the United States."

Judge Trott was confirmed in 1988 to a seat previously held by Judge Joseph Sneed, a California nominee. That judge's connection to the Ninth Circuit prior to his appointment was his 9-year tenure as professor at Stanford Law School. Judge Sneed established his chambers in San Francisco. These are the facts.

Judge Trott was a California nominee to a California seat on the Ninth Circuit Court of Appeals, as was his predecessor. Once confirmed, however, Judge Trott made a personal choice to establish his chambers in Idaho. This personal choice—essentially an arbitrary occurrence—cannot result in a State losing a judgeship to another State.

As we all know, the overwhelming practice of administrations and Senates of both parties has been to retain each State's representation on its respective circuit. Just look at the makeup of the circuits represented by the members of the Judiciary Committee. Both Iowans on the Eighth Circuit occupy Iowa seats. Three Alabamians on the Eleventh Circuit occupy Alabama seats. All of the Texas judges on the Fifth Circuit, who are not the first occupants of their seats, were preceded by Texans. The Senate recently confirmed Carolyn McHugh to the Tenth Circuit. Judge McHugh was strongly supported by Senators HATCH and LEE, and she replaced Michael Murphy, who had been a Utah nominee.

I could go through the history of each circuit, and the same pattern would emerge time after time. This is not by accident. There is a reason for it. Presidents of either party must know which Senators to consult, and Senators must know which vacancies to make recommendations for.

This might sound like inside baseball to some, but it is fundamental to the Senate's advice and consent role, and no Senator of either party would allow the arbitrary occurrence of a judge's personal choice of residence to remove a judgeship from the Senator's home State. This is a precedent this body cannot allow to be set.

Some might accuse California of trying to take more than its share of seats. This is simply not so. There is no objective reason for the Trott seat to

be transferred to Idaho, where Judge N. Randy Smith already occupies that State's seat on the circuit.

By every metric—population, appeals generated, district court caseload—California has far less than its proportional share of circuit judgeships and Idaho already has its fair share. In fact, if Idaho were to get an additional judgeship, its representation on the Ninth Circuit would be 5½ times its share of caseload. That is ridiculous. Idaho would have twice as many seats as Montana and the State of our Presiding Officer, Hawaii, have even though those States generate more Ninth Circuit cases than Idaho. Nothing supports removing this seat from California to Idaho—not history, not population, not caseload. Nothing.

Let me conclude by saying this: I don't begrudge the Senators from Idaho seeking additional Federal judicial resources for their State. Senators CRAPO and RISCH have introduced a bill to create a new judgeship on the Federal district court in Idaho. I represent four judicial districts that virtually always have caseloads at judicial emergency levels. One of them—the Eastern District of California—is the most overburdened judicial district in the country and has a caseload that is more than double the national average. So I understand the desire of the Senators from Idaho to ensure that a sufficient number of Federal judges are present in their State to resolve the disputes of their constituents. In fact, I am a cosponsor of the Federal Judgeship Act of 2013, which would create all the new judgeships recommended by the Judicial Conference, including one for Idaho. But the fact remains this seat on the Ninth Circuit was previously held by two Californians and it should be filled by a Californian. I very much hope the Californian will be John Owens, who has an impeccable record, bipartisan support, and whom I am proud to have recommended to President Obama, and whom I would urge my colleagues to support.

I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, we are once again spending unnecessary floor time overcoming a procedural obstacle so we can move to an up-or-down vote on a judicial nomination. John Owens is nominated to fill the longest open vacancy on our Federal courts. For more than 9 years, the busiest circuit court in our Nation—the U.S. Court of Appeals for the Ninth Circuit—has been running at less than full strength. In 2013, the Ninth Circuit had 12,761 appeals filed, several thousand more appeals than the next busiest circuit. It also had 14,171 appeals pending, three times more than the next busiest circuit. Each judge in that circuit has nearly 525 appeals pending per active judge. That is nearly 70 more appeals pending per active judge than the next busiest circuit. These caseloads are not sustainable and the delay in resolving these appeals hurts the American people. We should and must approve Mr.

Owens's nomination, along with Michelle Friedland's nomination to the Ninth Circuit, as soon as possible.

Mr. Owens was first nominated last August and his early October hearing date had to be moved after Republicans forced a shutdown of our government. A hearing on his nomination was finally held in late October. Mr. Owens could and should have been confirmed before we adjourned last year. Instead, because Republicans refused to consent to hold any nominations in the Senate, every single one had to be returned to the President at the end of last year. They then had to be re-nominated and re-processed through committee this year and Mr. Owens was voted out of committee on a voice vote, without dissent, on January 16, 2014.

Mr. Owens is among six circuit nominees pending on the Senate floor. We last voted on a circuit nominee during the last work period in early March and before that we voted on a circuit court nominee in early January. If Republicans continue to obstruct the Senate from having up-or-down votes on uncontroversial judicial nominees, at our current pace of filing cloture petitions once every month or so, we will not have time this year to vote on even those who are currently pending on the Senate floor.

We have not had a vote on a judicial nomination this year that was not subject to a Republican filibuster. For all but two Republican Senators, I have started to notice a pattern of voting to end filibusters only if a nominee is from a State with at least one Republican home State Senator. Most recently this happened yesterday on the cloture vote for Judge Edward Smith of Pennsylvania. It should not require a judicial nominee to be from a State with one or more Republican home State Senators for some Senators to do the right thing. Filling vacancies so that our Federal judiciary can be fully functioning should not be a partisan issue.

Born in Washington, DC, Mr. Owens earned his B.A., with high distinction, from the University of California, Berkeley, and his J.D., with distinction, Order of the Coif, from Stanford Law School. At Stanford, he was the Nathan Abbott Scholar, an award given to the student with the highest cumulative point average in the class. Mr. Owens served as executive editor of the Stanford Law Review where he earned the Stanford Law Review Board of Editors Award.

After law school, Mr. Owens served as a law clerk to Judge J. Clifford Wallace of the Ninth Circuit and for Associate Justice Ruth Bader Ginsburg of the United States Supreme Court. He has been a litigator in both public and private practice. In 1998, he joined the U.S. Department of Justice, where he would later serve as an Assistant U.S. Attorney for the Central District of California and the Southern District of California. In 2008, Mr. Owens was promoted to serve as the Deputy Chief of

Major Frauds in the Southern District office and later the Chief of the Criminal Division. In 2012, he rejoined private practice as a partner at Munger, Tolles & Olson where he presently works. Over the course of his legal career, he has been counsel of record in more than 20 cases before the court on which he is nominated to serve.

Mr. Owens has the support of his home State Senators—Senator FEINSTEIN and Senator BOXER. I hope my fellow Senators will join me today to vote to end the filibuster of Mr. Owens's nomination.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall proceed to executive session.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 John B. Owens, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Patty Murray, Bill Nelson, Robert P. Casey, Jr., Jack Reed, Tammy Baldwin, Jon Tester, Tom Udall, Bernard Sanders, Michael F. Bennet, Christopher A. Coons, Elizabeth Warren, Charles E. Schumer, Sheldon Whitehouse, Richard Blumenthal, Richard J. Durbin.

The PRESIDING OFFICER. 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 John B. Owens, of California, to be United States District Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 89 Ex.]

YEAS—54

Baldwin	Carper	Harkin
Begich	Casey	Heinrich
Bennet	Coons	Heitkamp
Blumenthal	Donnelly	Hirono
Booker	Durbin	Johnson (SD)
Boxer	Feinstein	Kaine
Brown	Franken	King
Cantwell	Gillibrand	Klobuchar
Cardin	Hagan	Landrieu

Leahy	Murray
Levin	Nelson
Manchin	Pryor
Markey	Reed
McCaskill	Reid
Menendez	Sanders
Merkley	Schatz
Mikulski	Schumer
Murphy	Shaheen

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Fischer	Murkowski
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

Moran

Rockefeller

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 44.

The motion to invoke cloture is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 the motion to proceed to Calendar No. 333, H.R. 3979, an act to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act.

Harry Reid, Jack Reed, Patty Murray, Bill Nelson, Robert P. Casey, Jr., Tammy Baldwin, Jon Tester, Tom Udall, Bernard Sanders, Michael F. Bennet, Christopher A. Coons, Elizabeth Warren, Charles E. Schumer, Sheldon Whitehouse, Richard Blumenthal, Richard J. Durbin, Patrick J. Leahy.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 333, H.R. 3979, an act to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act, shall be brought to a close?