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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, May 13, 2014, at 1 p.m.

## Senate

MONDAY, MAY 12, 2014

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our strength, You have placed music in our hearts, helping us to carry our burdens by providing us with a future and a hope. Let Your holy power renew our Senators today. Remove all that is withered and blighted within them, infusing them with serenity and calm to meet an agitated world fortified with Your peace. Teach them to love beauty, truth, and integrity, freeing them from pride as they strive to love You. Distill upon them the dew of Your kindness and use them for Your glory.

Lord, today we thank You for the United States Capitol Police, who sacrificed their lives for freedom: Sergeant Eney, Detective Gibson, Officer Chestnut, and Sergeant Holtz. May their exemplary legacies inspire us in all of our tomorrows.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, H.R. 3474.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows: Motion to proceed to Calendar No. 332, H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 5:30 p.m. today. Last week cloture was filed on S. 2262, the Energy Savings and Industrial Competitiveness Act. As a result, the filing deadline for all second degree amendments is 4:30 p.m. today. There will be up to three rollcall votes at 5:30 p.m. today: confirmation of the Rosenbaum nomination to be an Eleventh Circuit judge, then confirmation of the Croley nomination to be General Counsel of the Department of Energy, and, finally, a cloture vote on S. 2262, the energy efficiency bill.

### A SECOND OPPORTUNITY

Mr. President, Henry Ford once said: "Failure is simply the opportunity to begin again, this time more intel-

ligently." Those are wise words from a man who knew a thing or two about overcoming logjams.

The legislation before us today is an opportunity for Senators to intelligently reconsider energy efficiency. The consequences of this opportunity loom very large for this body.

Shaheen-Portman is a good bill. It was a good bill last year when it was blocked by the Republicans. It is even better now. This legislation will give our country more energy independence and protect our environment. The Shaheen-Portman bill also gives Americans a fair shot at better providing for their families through increased savings on their energy bills. This is great for working Americans. It also creates 200,000 jobs.

Senators SHAHEEN and PORTMAN worked hard with Democrats and Republicans since this bill was introduced 3 years ago to make this legislation into the effective bipartisan bill it is today.

No single bill will solve all of our energy problems, but this is a good first step.

The business community agrees. This bill is supported by the Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable.

The Shaheen-Portman legislation is an opportunity for this country to address our energy needs on how they are affecting the environment. But the implications of this legislation extend far beyond energy efficiency. It goes to the integrity of this Senate we care so much about.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The Shaheen-Portman bill is a chance for a fresh start for the Senate—really a new beginning. We had been making some limited progress this year in moving legislation, starting with the Murray-Ryan budget arrangement. Then we worked together—Democrats and Republicans—to pass a childcare development block grant, a flood insurance bill, and an extension of unemployment benefits.

But as we considered legislation to help American families—like equal pay and a minimum wage increase—Republicans got off track, and working families did not get a fair shot.

So here we are, once again, confronted with the possibility that a good bipartisan bill may fail. And for what? Democrats have acted in good faith, and we have bent over backwards to make this bill work. But it seems our efforts are never enough. Each concession we make brings new demands.

The Republicans working with Senators SHAHEEN and PORTMAN asked for changes to this bill, and 10 bipartisan amendments are now included in the bill before this body.

Republicans asked for a sense of the Senate resolution on the Keystone legislation, and we agreed.

Republicans changed their minds and requested a vote on stand-alone Keystone legislation, and we agreed.

If Republicans stop their filibuster of this bill and allow it to proceed, the Senate will vote on Keystone pipeline legislation, and they know that. That is what they have asked for, and we have given it to them.

But, Mr. President, they have held this bill hostage—this energy efficiency bill—as demand after demand has been met, but even now they are still seeking a ransom.

So why are we here? Why is this bill at risk? I have spoken from time to time recently with my Republican colleagues. They come to me, saying: HARRY, how could we get the Senate back on track?

I appreciate their sincerity in trying to find a solution, but the answer is right under their nose. I say to them, look at what is happening right now.

Mr. President, I have been told that two cosponsors of this legislation will not vote to invoke cloture. These are two gentleman who put their name on this bill.

Look at how Republican obstruction is bringing the Senate to its knees again and again and again—and now even on this bill, a bipartisan bill. This is not a Shaheen bill. It is a Shaheen-Portman bill—a New Hampshire Senator and an Ohio Senator, a Democrat and a Republican.

I repeat, this bill is being filibustered, obviously, by some of its own cosponsors. This useless, mind-boggling obstruction is what continually grinds the wheels of the Senate to a screeching halt.

So to my friends who want to know how we can make things work better in the Senate, I say: Put an end to ob-

struction for obstruction's sake. Take yes for an answer. We have a good bipartisan bill. Let's pass it. It is good for the country. Stop filibustering this good bill.

We made an agreement on Keystone, and Democrats stand willing to honor our commitment. But we need Republicans to honor their commitments.

So let's use this second opportunity at passing this important bill—Shaheen-Portman—to get the Senate working effectively and give working families, American families a fair shot at affordable energy.

#### RESERVATION OF LEADER TIME

Would the Chair announce the business of the day.

The PRESIDING OFFICER (Mr. KAINE). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### INDIAN COUNTRY NOMINATIONS

Mr. TESTER. Mr. President, as chairman of the Committee on Indian Affairs, I rise in support of the nomination of three distinguished Native American leaders: Vince Logan, Keith Harper, and Diane Humetewa. These individuals have been nominated to positions that are crucial to Indian Country and to our Nation. It is our responsibility to make sure they can begin this challenging work.

I think it is fair to say that no one in this Chamber is happy about how the nominations have been handled in the last 2 years. There are reasons and frustrations on both sides of the aisle about the process. I understand that. But in the case of these nominees, it is long past time to act. By acting on those nominees, this Congress, which has been criticized for not doing very much, can make a little bit of history.

Vince Logan's nomination was first sent to the Senate in September of 2012. He is a member of the Osage Nation of Oklahoma and was nominated to be Special Trustee for American Indians at the Department of Interior. This vote is long overdue. The position has been vacant for 5 years.

The Special Trustee is charged with overseeing the Department's fulfillment of its trust responsibilities to

tribes and individual Indians. It is a difficult job, and I am confident Mr. Logan is the right man to do it. He is a litigator with vast experience in both public and private sectors. He has also shown great passion for working with tribes and individual Indians to manage their trust assets. Mr. Logan was unanimously approved by the Indian Affairs Committee in January. I urge my colleagues in the Senate to do the same.

I would also like to speak in support of Keith Harper, a member of the Cherokee Nation of Oklahoma. Mr. Harper is the President's nominee to be the U.S. representative to the United Nations Human Rights Council. His nomination has been pending since early February. This is a history-making nomination. If confirmed, Mr. Harper would be the first member of a federally recognized tribe to hold the rank of U.S. Ambassador.

Keith has outstanding academic and professional credentials, having spent many years representing Indian tribes across the country. Keith's nomination was first sent here in June of 2013. What message do we send to Indian Country and to the world when we allow endless delay of the nomination of a man who will be the first Native American to hold the title of Ambassador?

Mr. Harper's nomination has the strong support of the National Congress of American Indians and numerous tribes and tribal leaders throughout Indian Country. He has also been active in human and civil rights organizations and has served as a delegate to the 2001 World Conference Against Racism in Durban, South Africa.

All of these experiences have prepared him to tackle injustice at the global level. It is also important to confirm this position to ensure that the United States has a representative at the United Nations World Conference on Indigenous Peoples in September.

Finally, Diane Humetewa was nominated to serve as district court judge for the District of Arizona, with the strong support of her home State Senators, MCCAIN and FLAKE. Her nomination was reported favorably 3 months ago by the Judiciary Committee, though her nomination has been pending since September of 2013. She is a member of the Hopi Tribe of Arizona. That means, if confirmed, she would be the only Native American serving as a Federal judge. She would be the first Native American woman to ever serve on the Federal bench.

Confirming these nominees during a time of such partisanship will send a strong signal to Indian Country. Whether it is overseeing our trust responsibilities, representing our Nation to the world, or delivering justice, these nominees will help our government function a little bit better and more efficiently.

I ask my colleagues to join me in swiftly confirming these three outstanding nominees.