

under rule XXII, the Chair directs the clerk to report the motion.

The 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 nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Cory A. Booker, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF JAMES ALAN SOTO TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

Mr. REID. I move to proceed to executive session to consider Calendar No. 669.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

#### CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

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

The 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 nomination of James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey, Cory A. Booker.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I move to proceed to legislative session.

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

The motion was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF GREGG JEFFREY COSTA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. REID. I move to proceed to executive session to consider Calendar No. 732.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the Fifth Circuit.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

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

The 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 nomination of Gregg Jeffrey Costa, of Texas, to be United States Circuit Judge for the 5th Circuit.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

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

#### CHANGING DIRECTION

Mr. REID. Mr. President, we have seen in the last week or two Repub-

licans just throwing things at the wall hoping something will stick. They brought down the energy efficiency bill as a result of that. They rescinded informally an agreement that I was convinced we had. Here is why this happened. One need only look at why we have not heard these endless speeches in the House or the Senate on ObamaCare, the Affordable Care Act. That has dissipated. It has been several weeks—it is hard to believe but several weeks—since we have had a vote in the House on doing away with ObamaCare, repealing it. Why is that? There is no better illustration of why that is happening than something called “The Plum Line” in the Washington Post today. It is short, but I would like to read it. The headline is “Going quiet on health care.”

As Benghazi fever rises among Republicans—

This is an editorial comment. That is another thing they threw at the wall to see if it would stick—

the Hill reported yesterday that the House GOP has “gone quiet” on Obamacare. There are no scheduled votes or hearings on the Affordable Care Act. When contacted by the Hill newspaper, most GOP campaign committees wouldn’t say whether they would launch any new attacks on the law.

As the Hill put it: “The lack of action highlights the GOP’s struggle to adjust its message now that enrollment in the exchanges beat projections and the uninsured rate is going down.”

They have tried a number of things since ObamaCare is no longer very high on the radar screen. A couple of weeks ago they said they would change direction and go after me. One of my friends—a Democratic Senator—said: I wish they would do that in my State. Nobody knows who you are.

The point is that they are getting desperate for something to change their tune. Benghazi is one. There will be other things that will come out in the next few weeks.

I carry on reading this article:

At the same time, it noted that GOP operatives overseeing Senate races remain “conscious of the need to keep a drumbeat going against the law.” The question now: If Republican officials really are backing off on ObamaCare, will the base go along?

A new CNN poll illustrates the situation nicely: It finds that far more Americans want to keep Obamacare than repeal it. At the same time, only a majority of Republicans want repeal and only a majority of Republicans think the law is already a failure.

The poll finds that 49 percent of Americans want to keep the law with some changes, while another 12 percent want to keep it as-is—a total of 61 percent. Meanwhile, only 18 percent want to repeal and replace the law, and another 20 percent want to repeal it, full stop—a total of 38 percent. That’s 61 percent for keeping the law and 38 percent for repealing it. Among independents, that’s 55 percent to 44 percent.

How is it possible that Americans can disapprove of Obamacare but support keeping it? Part of the answer lies in the another question CNN asked. It finds that a total of 61 percent say that it’s a success or it’s too soon to tell whether it’s a success. By contrast, 39 percent say it’s already a failure. Among independents, that’s 58 percent to 42

percent in favor of those who would give the law a chance to work over time.

All this is a reminder that at this point, attacks on the law—such as they are, anyway—are all about keeping the base lathered up in advance of the midterm elections. But there are six months to go, and already even some Republican officials appear to be realizing that the anti-Obamacare energy is draining away.

Remember, 61 to 38.

#### TAX EXTENDERS

Mr. President, it was not all that long ago the economy was in the throes of the great recession. Less than 6 years ago the world economy was taken to the brink of collapse before beginning a gradual recovery. While American markets have returned to their prerecession levels, the recovery for millions of workers and their families has been slower in coming. In Nevada, we continue to dig our way out of the recession. Although things are better, we still have a long way to go.

Today the Senate begins debate on legislation that continues to help many Nevadans and countless Americans as they recover from the recession. This bill before us extends current tax provisions that have bolstered American families and businesses, saving money and growing our economy. For example, the Mortgage Forgiveness Debt Relief Act is something the State of New Jersey depended on significantly and Nevada and virtually every State.

Nevada's home market was greatly damaged by the economic downturn. Many of my State's homeowners succumbed to foreclosure. For many years Nevada had the highest foreclosure rate in the Nation. For struggling Nevadans battling to keep their homes, the Mortgage Forgiveness Debt Relief Act offers much needed help.

This provision provides relief to homeowners who otherwise would owe taxes on the debt forgiven through a mortgage loan modification. Here is why we did it. The IRS had a rule which said that if you bought a home for \$10,000 and the recession hit and you had to sell it for \$6,000, you would be taxed at the \$10,000 rate. It is hard to believe, but that was the rule. That is why we passed this law. We are now trying to extend that. It is very important. It allows underwater Nevadans and those in other States around the Nation to get a measure of financial relief, while giving a much needed boost to the State's housing market.

In addition to mortgage relief, this tax extenders legislation also includes an extension of the State and local sales tax deduction. No one has worked harder on that than Senator CANTWELL from Washington. This deduction provides working middle-class families, many of whom are already pinching pennies, with a fair shot at providing for their families. It allows them to deduct local and State sales taxes, helping them keep more money in their pockets.

The tax extenders bill is not only helping our constituents who have been

victims of the economic downturn, it is also spurring job growth and local economies.

The renewable energy tax credit has played an important role in Nevada's economy. This tax credit has helped attract investments of over \$5.5 billion into Nevada's clean energy economy. So people who have never seen, for example, solar panels, come to Searchlight and you will see almost 4 miles of solar panels—millions and millions of them with no break for miles. It is amazing. It looks like—I remember when I was a kid we would drive the Las Vegas highway and we would see mirages. That is what it looks like. It looks like water, but it is not. It is solar panels covering miles and miles.

The tax credit dealing with energy has been important. Through clean energy tax incentives, loan guarantees, and the State's renewable energy standard, Nevada is fast becoming a leader in the renewable energy world. As renewable energy grows in Nevada, jobs multiply. All Nevadans deserve a fair shot at a good stable job. An extension of the renewable energy tax credit is important to the State's energy consumers, local economies, and working families. That is the same all over the country, not only Nevada.

There is something called the theater tax credit. The movie industry has had it for a long time, but that is a provision in this bill that boosts Nevada's economy and virtually every economy around the country. For example, Las Vegas and Reno are home to many theatrical productions that benefit from the extension of the film tax credit. The theater tax credit allows hotels and resorts in Nevada—and around the country—to invest in high-quality productions which draw tourists from around the globe.

While the examples I just mentioned are especially important to Nevada, this legislation has many more provisions that benefit millions of people all across the country. For example, the research and experimentation tax credit promotes innovative development by some of America's best companies and requires that global companies receive this assistance to locate research and development centers in the United States.

The work opportunity tax credit is important and provides an incentive to businesses to hire under- or unemployed Americans. There are also education benefits in this bill, such as the deduction for elementary and secondary teachers' out-of-pocket expenses. This deduction ensures that teachers who are going the extra mile for our children are not being punished financially.

These are just a few examples of the beneficial credits and deductions that comprise this tax extenders legislation, but there are many others. Our constituents are depending on us to extend these provisions, many of which expired at the end of 2013. We will not pull the plug before our Nation's recov-

ery is complete. By passing this tax extenders package, we will build our Nation's economy more quickly. We will continue to promote innovation, encourage industry, and create jobs.

I urge my Republican colleagues to join us in passing this legislation. Let's work together to bring American families and the economy a fair shot.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### SENATE DIMINISHED

Mr. MCCONNELL. Many years ago, Senator Henry Cabot Lodge called the Senate "the most powerful single chamber in any legislative body in the world."

Imagine making that kind of statement about today's Senate. Instead of a strong, independent voice at the vanguard of American policymaking, what has the Democratic-run Senate become? It has become a campaign studio, a late-night punch line, the place where the far left gets its way and the middle class gets left behind.

We saw this again yesterday when the majority leader was so determined to prevent the consideration of Republican amendments that he killed every Democratic Senator's amendment in the process. He didn't seem to care about letting the more than 4 million people in my State have a say on one of the most important issues affecting their livelihoods—coal. He didn't seem to think the millions of Americans represented by his own Democrats deserved a meaningful say on energy either.

Even after Senate Democrats from States such as Alaska, Maine, Colorado, and Arkansas put out press releases touting the kinds of ideas contained within their amendments, no amendments were allowed.

The fact that some of these same Senators are now trying to convince others of how moderate and influential they are, it is ridiculous. By backing the majority leader's power play instead of standing up for their constituents, they show where their loyalties lie.

Let's remember. The majority leader apparently thought the American people didn't deserve a say on energy, at a time when many in the middle class are struggling with high energy bills, a lack of jobs, and stagnant wages, the kinds of things that could be helped with smarter energy policy. He also blocked this debate at a time of growing global energy crises that demand American leadership.

Moments such as those were when our country used to come together in the Senate, when we used to have a serious discussion and actually pass serious legislation to solve serious problems, but not today, not in the Senate anymore. Today it is a place where the majority leader seems to deliver a daily monologue about almost anything but jobs, where Democrats obstruct serious ideas and where they have shut down meaningful debate on so many major issues.

Think back to last week when Senate Democrats declared that addressing global warming was the moral crusade of our time and then refused to even debate or consider legislative measures to actually address it or when the American people were calling out for us to pass jobs legislation and Senate Democrats put forward legislation that could actually cost up to 1 million jobs, all while they continued to block serious, House-passed job-creation bills.

Meanwhile, Washington Democrats' repeated attempts to pass the buck on gridlock are now bordering on absolute farce, just a complete farce. Last week we saw a fact-checker from a major leftwing paper debunk one of their favorite talking points about filibusters, giving it the highest possible rating for dishonesty.

The charges that have been made about Republican filibusters were given the highest rating for dishonesty by a left-leaning newspaper. This is what the fact-checker said: "On just about every level, this claim is ridiculous." This is the fact-checker for a left-leaning newspaper responding to these daily charges about Republican filibusters: "On just about every level, this claim is ridiculous."

So let's be clear. It is time for Senate Democrats to look in the mirror. Under Democratic rule, the Senate has become the place where serious legislation comes to die, the graveyard for good ideas. That is the main reason President Obama wants so badly to keep his Senate majority this November. It is his castle moat—the moat around the castle—the last thing standing between him and signing the serious legislation the middle class deserves but the far left hates. It is his buffer against having to approve things such as Keystone Pipeline.

The Keystone Pipeline is a project almost everyone knows will create thousands of good jobs at a time when we need them very badly. It is a project the American people support overwhelmingly, but of course the far left hates it, and the far left controls today's Washington Democratic Party.

I will tell you one thing the far left does like, though—seeing headlines such as this last week from the AP: "Democratic Leader Blocks Senate Vote On Keystone." This is the President's majority leader they are talking about. Both he and they are hoping to keep their Senate majority this November so they can see even more headlines similar to that one.

The American people are going to have their say. In the meantime, it is time for the majority leader to start worrying about today's Senate. The American people are tired of waiting for this body to act on the jobs bills Senate Democrats continue to blockade. They are tired of all the show votes.

Our constituents already know the Senate Democratic agenda for the rest of the year was drafted by campaign staffers anyway. They would have been

able to figure that out even if our Democratic friends hadn't just said it; that the agenda was drafted over at the Democratic senatorial committee. But enough is enough. The American people sent us to the Senate to do something about jobs and address the issues that actually matter to their daily lives. It is time the Democrats, who run the Senate, drop the diversions and finally work with us to do so.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

Under the previous order, the time until 11:10 a.m. will be equally divided between the two leaders or their designees.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### JOB CREATION

Mr. THUNE. Mr. President, last week the Wall Street Journal published an article entitled: "Obama Team Crafts President's Midterm-Election Pitch." I want to read from the article's opening. This is what the article said:

The White House is carving out a role for President Barack Obama in this fall's midterm elections, which he will try to pose as a choice between the parties' economic visions. . . . The driving theory in the White House is that this election, like every one since the 2007 recession, is foremost about the economy. Mr. Obama already has been drawing contrasts between his economic program and that of Republicans.

That is from a Wall Street Journal article of last week.

All I can say is that Republicans welcome this debate. We agree this election will be first and foremost about the economy, and we look forward to discussing the contrast between our economic program and the President's. I am just surprised the President wants to discuss it because even many Democrats realize the Democrats' economic record over the past 5 years isn't going to win them any elections.

The Wall Street Journal article quoted Democratic pollster Mark Mellman, who said:

. . . the key for Democrats is to frame the election as a choice between governing philosophies. "If it's a referendum on whether you like the way Democrats have governed . . . that's a harder election for us to win."

So since they can't run on their record, Democrats are going to make the case their philosophy offers the best hope for working Americans.

The Journal goes on to quote Joel Benenson, a pollster for the 2008 and 2012 Obama campaign, who says:

The fundamental question here that the country faces is: Which party has a philos-

ophy and an approach that puts average, hard-working Americans front and center? . . . We ought to be making that the centerpiece of the campaign.

Democrats have had 5½ years to take an approach that puts average hard-working Americans front and center, but their record has not been pretty. Despite the fact the recession technically ended almost 5 years ago, our economy continues to limp along. In the last quarter, growth averaged a miniscule one-tenth of 1 percent. Meanwhile, unemployment has remained at recession-level highs for the past several years.

Last month 806,000 Americans gave up hope of getting work and dropped out of the labor force entirely. Currently, nearly 10 million Americans are unemployed, 3½ million of them for 6 months or longer. Over the 5½ years the President has been in office, 6.7 million additional Americans have fallen into poverty.

Household income has declined by \$3,500. The poverty rate for women has increased to 16.3 percent, income for women has fallen, and 19.4 million Americans have been forced to join the food stamp program.

Meanwhile, prices have risen. Gas prices are 99 percent higher per gallon today than they were when the President took office. Health care premiums are more than \$3,600 higher. College tuition has soared.

Basically, thanks to the failed policies of the President and congressional Democrats, American families today are paying more and making less.

It is all very well and good to talk about the concern for the average hard-working American, but what really matters is not what you say but how you govern by what you do. Democrats seem to think their speeches and good intentions and the "philosophy" should give them a free pass, even if their policies are making it harder and harder for working families to achieve economic security and stability.

They want to coast on the fact that their party has historically been thought of as the party of working men and women, while ignoring the fact that the Democrat party today looks more like the party of billionaires and special interests than the party of hardworking Americans.

Take the Keystone Pipeline. Blue collar unions strongly support the pipeline and the more than 42,000 jobs it would support. The Washington Examiner reported yesterday morning the 750,000-member-strong International Brotherhood of Electrical Workers is, as the paper notes, the latest of the growing number of traditional blue-collar unions taking an aggressive pro-Keystone position.

In a letter to Senate Democrats, the IBEW's president writes:

At a time when job creation should be a top priority, the Keystone XL Pipeline project would put Americans back to work and have ripple benefits throughout the economy. . . . From pipe manufactured in Arkansas, to pump motors assembled in Ohio

and transformers built in Pennsylvania, workers from all over the United States will benefit from the project.

That is from the president of the IBEW.

So given the jobs and benefits the pipeline would create, how do you think the President and the party of so-called average hardworking Americans has responded? Has he approved the pipeline and the jobs it would create for American workers throughout the country? No.

Despite five separate environmental reviews from his own State Department, testifying to the minimal impact the pipeline would have on the environment, the President has aligned himself instead with far-left environmental special interests like billionaire Tom Steyer, who is pouring money into anti-Keystone campaigns. So much for being the party of working men and women.

Democrats may talk about putting hardworking Americans front and center, but over the past few years hardworking Americans have often come in last. Take ObamaCare. It is hard to even know where to start when talking about the negative impacts ObamaCare has had on American workers.

There is the 30-hour workweek rule, which has forced businesses to eliminate full-time positions and cut workers' hours below 30 hours per week.

There is the employer mandate, which has made it difficult or impossible for many businesses to expand and hire new workers.

There is the tax on lifesaving medical devices, such as pacemakers and insulin pumps, which has already cost thousands of jobs in the medical device industry and which will eliminate many more if it isn't repealed.

Then, of course, there are the numerous burdens placed on small businesses, the higher premiums and out-of-pocket costs, and the fact that the non-partisan Congressional Budget Office estimates the law will shrink the full-time workforce by 2½ million workers and lower wages by more than \$1 trillion.

Who suffers the most from all those provisions? Average, hardworking Americans, the small business owner who can no longer afford to hire new employees, the middle-class family suddenly faced with a \$10,000 deductible, the low-income worker whose hours are suddenly slashed from 35 to 25 hours a week, and the out-of-work American who can't find a job because businesses are too reluctant to hire.

One would think the supposed party of average, hardworking Americans might sit back and rethink things a little bit after seeing the devastating economic impact of ObamaCare. But the Democrats and the President are pushing again with more job-killing policies.

Recently, the Democrats and the President have been pushing for a massive 40-percent minimum-wage hike—a measure the Congressional Budget Of-

fice says could eliminate up to 1 million jobs. Even the President's own Federal Reserve Chair recently testified before Congress that a minimum wage hike would negatively affect jobs.

Once again, the people most likely to lose their jobs as a result of this policy are those least able to afford it: Namely, low-income workers.

Mr. President, Democrats can talk all they want about their commitment to ordinary Americans, but actions speak louder than words. It is going to be hard to convince people to believe, when their actions over the past 5 years have made things harder for working Americans, that they are actually on their side.

If Democrats really wanted to provide permanent relief to the millions of Americans who are struggling to get by, they would focus on measures that would create jobs, improve wages, and expand opportunity.

Instead of spending their time on far-left liberal policies and priorities, such as government-run health care and extreme environmental regulations, they would be supporting bills that have been offered by some of my colleagues here on our side of the aisle to provide one-time, low-interest loans to out-of-work Americans to enable them to relocate to cities and States with more job opportunities. That is a piece of legislation I have introduced. Or they could support the bill put forth by Senator LEE to improve workplace flexibility for working families; or the bill of Senator HOEVEN, to approve the Keystone Pipeline and open up the 42,000-plus jobs it would support; or the bill of Senator COLLINS to fix the ObamaCare 30-hour workweek provision so we don't have so many part-time employees in this country and put more people to work on a full-time basis; or the numerous Republican proposals that have been offered by our colleagues to check EPA's overreach and to protect the millions of jobs EPA's proposed regulations could destroy; or the Democratic majority could allow an open amendment process to the tax extender bill we are going to be considering here soon to allow for the consideration of permanent tax relief measures for American families and small businesses.

Because Americans deserve tax certainty and not more short-term measures, I intend to file amendments to the tax extenders bill this week to make a number of important progrowth provisions permanent, such as the ability for small businesses and farmers to expense more of their business investments. I intend to work with Senator CANTWELL and others on an amendment to make permanent the ability of taxpayers to deduct State and local sales taxes against their Federal income tax—a measure that is important for States without income taxes like South Dakota. And I intend to work with my colleagues to make permanent the existing moratorium on State and local taxes on Internet ac-

cess before that moratorium expires on November 1 of this year. Failure to act is going to mean a tax increase on the many millions of Americans who use the Internet.

This week's tax debate also provides the Senate an opportunity to address the job-destroying taxes in ObamaCare. Several of my colleagues, including Senators HATCH, TOOMEY, and COATS, have been fighting for repeal, or at least delay, of the ObamaCare medical device tax. Repeal of this tax has the support of over 70 Senators, and it is time for a vote on this proposal.

However, the ObamaCare taxes don't stop there. This year, millions of young, middle-class families will face a tax penalty for failing to purchase government-approved health care. Many of these individuals and families may not be able to afford ObamaCare and cannot afford to pay the tax either. I will be filing an amendment to the tax extenders bill that would prohibit the IRS from ever collecting this penalty.

Considering this administration has already delayed the mandate for employers, it is only fair to waive this penalty for families and individuals as well.

Finally, Mr. President, I will be offering an amendment to exempt the long-term unemployed from the ObamaCare employer mandate head count. If you are a business in this country and you hire somebody who has been unemployed for 6 months or longer, then you wouldn't be subject to the ObamaCare employer mandate, which is so devastating to employers across this country.

The tax extender package on the floor today will reportedly retain the Hire Our Heroes Act, which is championed in the Senate by Senator BLUNT. If that is the case, I am pleased to see the majority has finally realized the employer mandate is hurting the job prospects of veterans who have proudly served this country. We should expand this exemption to the 3½ million long-term unemployed as well, and that is what my amendment seeks to do.

Mr. President, Democrats may claim to be the party of average Americans, but their record over the past 5 years says some things entirely different. Ordinary Americans are suffering as a result of Democratic policies, and they are not getting any relief. It is time for Democrats to stop talking about helping Americans and to start actually helping them.

We have an opportunity with this tax extenders bill on the floor this week to do some things that are for jobs and the economy. If we can get a chance to get these amendments in front of the Senate and allow the voices of the American people to be heard and to get votes, we can start moving this country in a different direction—a direction that will lead to better paying jobs for middle-class families, a better standard of living for people in this country, and a brighter and more prosperous future

for future generations of Americans. I hope that will be the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor today having heard the majority leader open this morning's session by talking somewhat about the health care law. He was referring to a headline that said Republicans were going quiet on health care. He then went on to say that ObamaCare is no longer very high on their radar screen.

I will say, as a doctor and someone who goes home every weekend to Wyoming, this issue of people's health care—something very important to them—continues to be high on my screen and high on the radar screen of Americans all across the country because we are seeing all across the country that the President's promises have been broken. People can't keep what they had if they liked it. People are losing their doctors.

There are many ObamaCare side effects, and one doesn't have to go very far today to see on the front page of the New York Times this morning an article related to the President's promises. He said: If you like your doctor, you can keep your doctor. If you like your hospital, you can keep your hospital. But in this front-page article, the first paragraph says:

In the midst of all the turmoil in health care these days, one thing is becoming clear: No matter what kind of health plan consumers choose, they will find fewer doctors and hospitals in their network—or pay much more for the privilege of going to any provider they want.

So the Senate majority leader may not want this to be a major issue in the minds of the American public, but it is because their health care is so personal.

Americans hate to see taxpayer dollars wasted, but they are seeing it all across the country.

I would note an article in Politico: "474M for 4 failed Obamacare exchanges." Money completely wasted—taxpayer dollars—and didn't help patients needing care.

The other day, The Hill: Cover Oregon flops. "FBI looking into Oregon's O-Care rollout."

There are huge problems with waste.

There is another article about problems in Colorado and problems with their exchange, and yet the story out today—what happened with the exchange in Colorado? "Outrage over raise for Colorado health exchange CEO."

So the impacts are felt all around the country. And it is interesting to hear the Senate majority leader make his comments at a time when his hometown newspaper, the Las Vegas Review-Journal, had a headline story on May 4, 2014: "Own a small business? Brace for Obamacare Pain."

Local business owners might be hoping the Affordable Care Act's insurance mandates

cover sticker shock. The law's employer coverage mandate doesn't take effect until 2015, but early plan renewals are starting to roll in. And for some businesses, the premium jumps are positively painful.

So I come to the floor having heard the majority leader's comments. I will have more to say about this later, as I see my colleague from the other side of the aisle has come to speak. But as one Senator and a physician and someone intimately concerned about the care the American public receives, their ability to get care—not empty coverage but quality, available care—this Senator, in spite of what the majority leader may say, is not going quiet on health care. It continues to be very high on my radar screen, as it is high on the radar screen of Americans who have been told many things by the President of the United States that turned out not to be true.

That is why week after week I am going to continue coming to the floor to talk about the side effects of a health care law that is hurting patients in terms of keeping their doctor, lower costs—they are seeing higher costs—not being able to keep their hospital, and paychecks shrinking because of the health care law.

I appreciate the indulgence of my colleague from Oregon, and I appreciate the opportunity to make reference to the majority leader's comments. Republicans—and certainly this Senator—are not going quiet on health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### EXPIRE ACT

Mr. WYDEN. Mr. President, this morning the Senate begins consideration of a tax cut bill. The Finance Committee agreed to call it the EXPIRE Act, and I am going to take a few minutes to talk about why it is so important that this bill be passed—and passed now. Here are a few of the key reasons:

First, if the Senate doesn't act, veterans who are now packing job fairs across this country are going to face an even tougher struggle to get good jobs.

Second, because the jobs most essential to our economy—the good-paying, innovation-driven jobs needed to underpin a growing middle class—will be harder to create.

Third, because just when underwater homeowners get hold of a life raft that keeps them in their homes, a big tax hike could yank it away.

Fourth, because millions of students are already up to their eyeballs in debt, and without this they will go even deeper.

In addition, producing clean energy will grow more expensive, risking the high-tech jobs every Member of Congress wants to protect.

The EXPIRE Act addresses all of these issues and more.

The second question that I think is going to be relevant to this debate is, What are the implications for the cycle

of stop-and-go policies that have made the Tax Code in this country so unnecessarily complicated and uncertain? The EXPIRE Act ends that and builds a bridge to comprehensive tax reform. Many of these stop-and-go incentives are good policy, and they ought to be extended permanently. The EXPIRE Act gives the Finance Committee and the Congress the room to work on reform and decide which provisions to keep.

For now, this is about balancing short-term needs and long-term goals. In the coming months, the Finance Committee is going to pursue a tax reform plan on a bipartisan basis that gives all Americans the opportunity to get ahead. But right now, what is needed is to protect jobs and deliver more certainty.

On April 3 the Finance Committee passed the Expiring Provisions Improvement Reform and Efficiency—EXPIRE—Act. There was a strong bipartisan vote in the committee. We called the bill the EXPIRE Act for one reason: It is supposed to expire. I stated this morning that, on my watch, this is going to be the last time—the last time—the Finance Committee considers a tax extenders bill. Once this piece of legislation is enacted and behind us, the committee will move on to the critical next challenge; that is, comprehensive bipartisan tax reform.

I will talk for a minute about how this package is going to help middle-class individuals and families.

We all understand that a prosperous middle class is the key to long-term economic growth for the country. This legislation boosts that cause by extending incentives that help workers get back on their feet, such as the work opportunity tax credit. This provision is a lifeline for our veterans in every State in the country because it encourages employers to hire the vets when they come home from overseas. Veteran unemployment is still at crisis levels. This bill is going to help address that.

Thanks to work by Senators PORTMAN and CARDIN—again, on a bipartisan basis—the work opportunity tax credit is now going to be available to businesses that hire the long-term unemployed. They are the Americans who have been hit the hardest by the recession, and, without help, we are going to see them fall between the cracks. This legislation can be an important role in helping those Americans find good jobs.

The EXPIRE Act also extends and expands the credit for research and experimentation. The reason this is so important is this is the lifeblood of innovation that is so important for our economy. Not only does this credit incentivize research and innovation, but thanks to good, bipartisan work—I heard that mentioned a couple times this morning, and we are going to hear it again—in this case, Senator ROBERTS, Senator SCHUMER, and others made adjustments to the credit to

make it work better for small businesses and for startup firms. Many of these firms just getting out of the gate can't really use the research credit in its current form, so the EXPIRE Act says to all of those startups that if they want to use the credit, we are going to make it easier to hire and pay workers. We are going to help them do that.

Congress also needs to keep pushing business investments in innovation. That is why the EXPIRE Act extends incentives such as bonus depreciation and expanded business expenses. This makes it easier for companies to invest in new equipment and property and grow their operation and create more jobs.

We know many of our communities are hurting. They have been battered over the past decade by the financial crisis and by an exodus of manufacturing jobs. So it is critical to drive investment to those communities to help promote growth and create good-paying jobs.

The people in those communities hit—and hit hard—by this economy deserve a chance to achieve the American dream just like everybody else. That is why the EXPIRE Act extends provisions such as the new markets tax credit, which drives private investment to these hard-hit areas. The new markets tax credit leverages private funds to create new businesses in economically depressed communities. And thanks to efforts by my colleague from Ohio, Senator BROWN, these credits are going to be available to boost manufacturing—areas that have lost some of their good-paying, blue-collar industrial jobs. Through this, we will see more private investment head their way.

With the recent news of the economy's first quarter, the challenge of growing the economy—it is obvious our families and businesses need all the help they can get. That is why the EXPIRE Act allows families to continue to deduct their State and local taxes. Americans can already deduct their State income taxes thanks to a permanent part of the Tax Code. But families in States such as Texas, Florida, Washington, and Alaska don't pay State income taxes; they pay higher sales taxes. This legislation levels the field and lets families deduct their State and local taxes whether they are income or sales.

As the housing market continues to come back from the great recession, we know millions of Americans are still struggling to stay in their homes. Many of our homeowners found themselves underwater, owing more in mortgage debt than their houses were worth. To make matters worse, just when they caught a break and had their mortgage payments lowered or their debt forgiven, they got hit by a giant tax liability. Imagine that. Once you get your head above water, a huge tax bill pushes you right back underwater.

This legislation contains a provision to prevent exactly that situation from happening and to help keep American families in their homes by exempting their forgiven mortgage debt from taxation. And I feel particularly strongly about this because that is really phantom income, and middle-class Americans shouldn't get hit that way.

Over the past several years, States throughout the country have been forced to make a lot of painful fiscal choices. Over the past several years, States throughout the country have been forced to make a lot of painful fiscal choices in many communities. The budget ax has fallen on education. Teachers routinely face classrooms of 30 to 40 students, often even more. Too often those teachers run short on supplies and then they reach into their own pockets—into their own pockets—to make up the difference. These are hard-working, middle-class professionals. What this legislation does is help those teachers just a little bit by letting them deduct up to \$250 of those out-of-pocket expenses from their taxes. Oregon teachers deduct more than \$9 million in classroom expenses each year.

A college education is absolutely vital in our competitive, modern economy. For families and students paying for college, trying to deal with those skyrocketing costs and the mountains of debt they incur, this legislation extends the \$4,000 deduction for tuition expenses. Oregon families use it to deduct more than \$61 million in tuition and fees annually. It gets harder each year to maintain a middle-class life without a college degree. That is why this deduction is so important and why it is in this legislation.

There is one last part of the bill I would like to touch on; that is, the incentive for clean energy. Previously I chaired the energy committee, and I saw how essential it was to generate investment in clean energy. It is an area of our economy that has been plagued by the stop-and-go nature of tax policy. Now is the time our country should be investing in low-carbon and energy-diverse alternatives. Some of the provisions in the EXPIRE Act have been extraordinarily successful in doing just that. The production tax credit for renewable energy that includes wind, geothermal, hydropower, and biomass has helped drive major growth in renewable clean energy. Wind in particular has boomed over the past 5 years. It now accounts for more than 60,000 megawatts of wind generation across the country. Wind energy production has more than doubled since 2008. That is enough to power more than 15 million homes and the energy supports more than 50,000 jobs. The growth of this industry has been a boon to manufacturing, supporting more than 500 manufacturing facilities.

Still, the wind industry is not immune to the stop-and-go nature of tax extenders. Growth has leveled off over the past 2 years, mostly due to the ex-

piration and late retroactive renewal of provisions such as the production tax credit. It is critical, in my view, to provide certainty to these businesses. In the energy sector, electricity generating stations and refineries are major investments that can take years to plan and to finance and construct. That is why tax reform is so vital. Our country needs a long-term, stable energy policy.

There are a lot of fresh ideas on how to improve energy policy in the Tax Code. As chairman of the Finance Committee, now-Ambassador Baucus put out a number of innovative, technology-neutral ideas that in my view deserve a significant amount of attention, but while working out those ideas in a transparent, bipartisan way, it is important Congress not let our domestic clean energy industry fall off the cliff, which is the reason this bill extends provisions such as the production tax credit through 2015.

Clean energy is not just about generating more low-carbon electricity; it is also about using energy more efficiently in reducing our overall consumption. That is why the EXPIRE Act extends and updates the credit that helps out homeowners who want to improve their houses and make them more energy efficient. Whether it is through better windows, installing insulation, perhaps replacing a water heater or a furnace, this provision helps those homeowners. These improvements can dramatically reduce the amount of energy used to heat and cool American homes, resulting in lower electricity bills.

The legislation improves this provision by cleaning up what has been current law and updating its standards. It will be easier to use and help push the boundaries on energy efficiency by allowing only the most energy-efficient improvements to qualify. Even in pushing for efficiency in how we use energy, it is important to make smart use of taxpayer dollars.

Commercial buildings use a tremendous amount of energy—20 percent of all electricity consumed in the United States powers the places we work. By reducing this consumption, the United States can drastically cut emissions and lower costs for businesses. It is obvious the areas I have outlined make sense for our economy and they have bipartisan support. They are going to help spur investment and innovation, boost our communities, help disadvantaged workers, and continue to drive investments in clean energy and energy efficiency.

A number of these provisions I have indicated should be made permanent, and it would be a mistake to simply let them disappear. In wrapping up, I wish to address the question: Why not make these provisions permanent now? Why not pass tax reform today? That would be my first choice.

Everybody knows our Tax Code is in bad shape. It is complicated. I think calling it opaque would be a compliment. It desperately needs fixing.



We want a code that promotes economic growth and treats everyone fairly. A lot of Members have worked hard to develop ideas, but the reality is tax reform is not happening tomorrow. Reaching a comprehensive, bipartisan plan is going to take time, focus, and hard work.

I know something about that because I have put as much sweat equity into bipartisan tax reform as any Member of this body, starting with our former colleague Senator Gregg. We sat next to each other on a sofa every week for 2 years to write the first bipartisan Federal income tax reform plan in 30 years. Senator COATS has joined Senator BEGICH and I in this effort and we are not alone. Chairman CAMP has put forward an ambitious tax reform draft that lays out several ideas as well on how to make the Tax Code simpler. All of these proposals contain the kinds of ideas we ought to examine as we look to reform our Tax Code. Once the issue of these extenders is settled, I look forward to working with Senator HATCH and all our colleagues on a broad-based tax reform plan that will grow our entire economy.

In the meantime, it would be a mistake to leave American families and American businesses out in the cold. Temporary provisions of the Tax Code continue to expire, leaving jobs, innovation, investment, and people's homes in limbo. By providing certainty to businesses and families for the next 2 years, the EXPIRE Act creates the space needed for true tax reform. I don't want us to lose sight of that during this debate. These extenders are important, but we are also going to talk on the floor about building a bridge to reform that this country desperately needs. We know there are inequities in the Tax Code. The inability to have the certainty and predictability we need is holding us back.

We need to make sure we have a Tax Code that gives everybody in America the opportunity to get ahead, especially our hard-working, middle-class citizens, our entrepreneurs and businesses. Our people work hard for the money they earn each and every day. They want to pay their fair share, but when they are asked to contribute part of their paycheck each month, they deserve a tax system that is transparent and equitable. We need to simplify the code. We need to level the playing field. We need to get rid of the disparities between different types of income that elevates some workers over others.

I encourage all of my colleagues today to, first, back this legislation so we don't see, for example, innovation and our veterans and teachers suffer as we work toward bipartisan tax reform; second, to be open about sharing their ideas with the Finance Committee and all Members about innovative bipartisan reforms that can improve our entire Tax Code. Voters send us to work. They are looking for results. They don't want to hear excuses about why

families pay more for college or why homeowners face a huge tax bill after getting out from under a mountain of debt. Simply dropping those tax incentives sacrifices valuable priorities without getting the real job of comprehensive reform done. Let us pass the EXPIRE Act and let us move on to urgently needed bipartisan comprehensive tax reform.

With that, I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mr. SCHATZ). 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. 332, H.R. 3474, an act 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.

Harry Reid, Ron Wyden, Robert Menendez, Patty Murray, Barbara Boxer, Jon Tester, Debbie Stabenow, Maria Cantwell, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Brian Schatz, Mark R. Warner, Charles E. Schumer, John D. Rockefeller IV, Benjamin L. Cardin, Martin Heinrich.

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 H.R. 3474, an act 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 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. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 143 Leg.]

#### YEAS—96

Alexander	Cardin	Durbin
Ayotte	Carper	Enzi
Baldwin	Casey	Feinstein
Barrasso	Chambliss	Fischer
Begich	Coats	Franken
Bennet	Cochran	Gillibrand
Blumenthal	Collins	Graham
Blunt	Coons	Grassley
Booker	Corker	Hagan
Boxer	Cornyn	Harkin
Brown	Crapo	Hatch
Burr	Cruz	Heinrich
Cantwell	Donnelly	Heitkamp

Heller	McConnell	Schatz
Hirono	Menendez	Schumer
Hoeven	Merkley	Scott
Inhofe	Mikulski	Sessions
Isakson	Moran	Shaheen
Johanns	Murkowski	Shelby
Johnson (SD)	Murphy	Stabenow
Johnson (WI)	Murray	Tester
Kaine	Nelson	Thune
King	Paul	Toomey
Kirk	Portman	Udall (CO)
Klobuchar	Pryor	Udall (NM)
Landrieu	Reed	Vitter
Leahy	Reid	Walsh
Levin	Risch	Warner
Manchin	Roberts	Warren
Markey	Rockefeller	Whitehouse
McCain	Rubio	Wicker
McCaskill	Sanders	Wyden

#### NAYS—3

Coburn Flake Lee

#### NOT VOTING—1

Boozman

The PRESIDING OFFICER. On this vote the yeas are 96, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, does the Senator from Massachusetts wish to address the Senate at this time?

Mr. MARKEY. Mr. President, I ask that the Chair recognize the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Massachusetts.

I ask unanimous consent that the junior Senator from Tennessee and I be permitted to engage in a colloquy, and I ask for the attention of the Senate.

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

The Senate will be in order. Senators will please take their conversations out of the well.

Mr. ALEXANDER. Thank you, Mr. President.

#### REMEMBERING HARLAN MATHEWS

Mr. President, a few days ago we lost a prominent Tennessean, Harlan Mathews. He was 87 years old, and he lived a long and distinguished life.

Harlan Mathews served in the Senate seat in which I now have the privilege of serving. When Senator Al Gore was elected Vice President more than 20 years ago—Harlan Mathews took his seat and then retired from the Senate after serving two years of his appointment.

But that was, by a long shot, not a description of his public service. Yesterday Senator CORKER and I were at his funeral and memorial service in Nashville, which was a beautiful service, a simple service, as he would have imagined. The theme that kept coming through again and again was what a fine mentor and unselfish public servant Harlan Mathews had been in our State for 60 years. He was a World War II veteran, came to Vanderbilt University, and in 1950 met a young Governor whose name was Frank Clement—a rising star in national politics. He became his assistant and served in a variety of State government positions with very