

McCain Pryor Stabenow
McCaskill Reid Tester
McConnell Risch Thune
Menendez Roberts Toomey
Merkley Rockefeller Udall (CO)
Mikulski Rubio Udall (NM)
Moran Sanders Vitter
Murkowski Schatz Walsh
Murphy Schumer Warner
Murray Scott Warren
Nelson Sessions Whitehouse
Paul Shaheen Wicker
Portman Shelby Wyden

NOT VOTING—4

Bennet Boozman
Blunt Reed

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We are going to have one more vote tonight. Starting at 11:15 tomorrow we could have up to five votes. So that is it for tonight.

We have yielded back the time, but I ask unanimous consent that Senator MCCAIN be recognized for up to 1 minute.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to mention to my colleagues that with this vote we will be making history in some respects. We should all be proud that this nominee, Diane Humetewa of the Hopi Tribe, will be the first Native-American woman to be on the Federal bench.

I would appreciate a positive vote. It is a proud moment for her, her tribe, and for Native Americans.

I yield the floor.

NOMINATION OF DIANE J. HUMETewa TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Diane J. Humetewa, of Arizona, to be United States District Judge for the District of Arizona?

Mr. BARRASSO. I ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Delaware (Mr. COONS), and the Senator from Rhode Island (Mr. REED) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 149 Ex.]

YEAS—96

Alexander Baldwin Begich
Ayotte Barrasso Blumenthal

Blunt Hatch Murray
Booker Heinrich Nelson
Boxer Heitkamp Paul
Brown Heller Portman
Burr Hirono Pryor
Cantwell Hoeven Reid
Inhofe Risch
Carper Isakson Roberts
Casey Johanns Rockefeller
Chambliss Johnson (SD) Rubio
Coats Johnson (WI) Sanders
Coburn Kaine Schatz
Cochran King Schumer
Collins Kirk Scott
Corker Klobuchar Sessions
Cornyn Landrieu Shaheen
Crapo Leahy Shelby
Cruz Lee Stabenow
Donnelly Levin Tester
Durbin Manchin Thune
Enzi Markey Toomey
Feinstein McCain Udall (CO)
Fischer McCaskill Udall (NM)
Flake McConnell Vitter
Franken Menendez Walsh
Gillibrand Merkley Warner
Graham Mikulski Warren
Grassley Moran Whitehouse
Hagan Murkowski Wicker
Harkin Murphy Wyden

NOT VOTING—4

Bennet Coons
Boozman Reed

The nomination was confirmed.

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

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

LEGISLATIVE SESSION

HIRE MORE HEROES ACT OF 2014

The PRESIDING OFFICER. The Senate will resume legislative session.

Under the previous order, the question is on agreeing to the motion to proceed to H.R. 3474.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (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.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3060

(PURPOSE: IN THE NATURE OF A SUBSTITUTE)

Mr. REID. On behalf of Senator WYDEN, I call up the substitute amendment No. 3060.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. WYDEN, proposes an amendment numbered 3060.

(The amendment is printed in the RECORD of Tuesday, May 13, 2014, under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3089 TO AMENDMENT NO. 3060

Mr. REID. I have a first-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3089 to amendment No. 3060.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3090 TO AMENDMENT NO. 3089

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3090 to amendment No. 3089.

The amendment is as follows:

In the amendment, strike "1 day" and insert "2 days".

AMENDMENT NO. 3091

Mr. REID. I have a first-degree amendment at the desk, and the amendment is to the bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3091 to the language proposed to be stricken by amendment No. 3060.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3092 TO AMENDMENT NO. 3091

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3092 to amendment No. 3091.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

MOTION TO COMMIT WITH AMENDMENT NO. 3093

Mr. REID. I have a motion to commit H.R. 3474 with instructions.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Finance with instructions to report back forthwith with an amendment numbered 3093.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3094

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3094 to the instructions of the motion to commit to H.R. 3474.

The amendment is as follows:

In the amendment, strike "5 days" and insert "6 days".

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3095 TO AMENDMENT NO. 3094

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3095 to amendment No. 3094.

The amendment is as follows:

In the amendment, strike "6" and insert "7".

CLOTURE MOTION

Mr. REID. I have a cloture motion for the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture 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 substitute amendment No. 3060 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.

Harry Reid, Ron Wyden, Angus S. King, Jr., Richard J. Durbin, Robert Menendez, Mark R. Warner, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Bill Nelson, Michael F. Bennet, Heidi Heitkamp, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Charles E. Schumer, Thomas R. Carper.

CLOTURE MOTION

Mr. REID. I now have a cloture motion to the bill, which is also at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the clerk will report the cloture 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 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, Angus S. King, Jr., Richard J. Durbin, Robert Menendez, Mark R. Warner, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Bill Nelson, Michael F. Bennet, Heidi Heitkamp, Barbara Boxer, Debbie Stabenow, Maria Cantwell, Charles E. Schumer, Thomas R. Carper.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to both cloture motions.

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

JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 92, S. 162.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 92, S. 162, a bill to reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

EXECUTIVE SESSION

NOMINATION OF STANLEY FISCHER TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. REID. I move to proceed to executive session to consider Calendar No. 768.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

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 clerk will 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 Stanley Fischer, of New York, to be a Member of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Thomas R. Carper, Richard J. Durbin, Tom Udall, Angus S. King, Jr., Mark Begich, Elizabeth Warren, Martin Heinrich, Patty Murray, Tom Harkin, Robert Menendez, Patrick J. Leahy, Benjamin L. Cardin, Charles E. Schumer, Heidi Heitkamp, Mark R. Warner.

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 now move to proceed to legislative session.

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

JUSTICE AND MENTAL HEALTH COLLABORATION ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Oregon.

EXPIRE ACT

Mr. WYDEN. Mr. President, I wanted to take a couple of minutes now to underscore the importance of the Senate passing the EXPIRE Act now, and in particular to highlight what the cost of inaction would be if the Senate fails to act.

This legislation is critically needed because it is an essential tool to prevent a tax increase and particularly the kind of tax increase that will harm our ability to create more good-paying jobs—high-skilled, high-wage jobs. These are the jobs tied to innovation.

Without this legislation, for example, what we would have is a new tax on innovation because we wouldn't renew for a period of 2 years, as we work on tax reform, the research and development tax credit. This credit is absolutely essential because it is what is used by the employers who are coming up with innovative approaches to create more long-term employment for our country. This credit is used to help pay the wages for those kinds of innovation-oriented jobs. Without this legislation, we would have in this country a tax on innovation. I don't think that is where this country wants to go.

It will be harder without this legislation to have employers hire veterans—veterans who are now coming out in throngs to job fairs in cities across the country. Employers will find it even harder to assist them in terms of finding employment.

Without this legislation, when an underwater homeowner gets hold of a life raft that keeps them in their homes when their lender works with them to try to work out an arrangement to reduce their obligation, reduce their debt, that underwater homeowner would be taxed on phantom income. So right when that underwater homeowner is trying to get their head above