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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Heavenly Father, thank You for a land where we believe that our rights and freedoms come from You. We are grateful for the gifts of life, liberty, and dreams, and for those who make daily sacrifices to protect our liberties. Empower our lawmakers to protect and guard the foundations of our freedoms so that America may bless the world. When our Senators are weary, replenish their spirits, permitting their light of patriotism, vision, service, and hope to continue to burn. Forgive them when they fail to live up to their high heritage, as Your grace transforms them into instruments of Your purposes.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

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

Mr. REID. Mr. President, I move to proceed to Calendar No. 92, S. 162, the Franken Mentally Ill Offender Treatment and Crime Reduction Act.

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

The assistant 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.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the time until 11:15 a.m. will be equally divided and controlled between the two leaders or their designees. At 11:15 a.m. there will be a series of rollcall votes in relation to several nominations. Following those votes, the Senate will recess until 1:45 p.m. to allow for the caucus meetings we are having today. At 1:45 p.m. there will be another series of rollcall votes in relation to nominations as well as a cloture vote on the Wyden substitute amendment to the tax extenders legislation. The filing deadline for first-degree amendments to the substitute and the bill is 1 p.m. and the filing deadline for second-degree amendments to the substitute is 3 p.m. today.

CAMPAIGN FINANCE

Mr. President, a memo from the Koch-funded political organization Americans for Prosperity found its way into the national press last week. The memo details Americans for Prosperity's plan to spend at least \$125 million—and more if necessary—ensuring the Koch brothers' hand-picked candidates win elections this November. This memo was sent to a select group—the ultrarich, the megarich. That is who got it. The memo was entitled “Confidential Investor Update.”

How fitting for the Koch brothers' hostile takeover of the American electoral system to call something “investor update”—investor update. You see, these billionaires are dumping unseemly amounts of money into a shadowy political organization. Their donation is an investment in an America rigged to benefit themselves at the expense of the middle class.

The Kochs' political expenditures are investments—investments—similar to any other that is listed in their financial portfolios, and they absolutely expect monetary returns on their investments in buying America. That is what this is all about.

The Kochs' bid for a hostile takeover of American democracy is calculated to make themselves even richer. Yet the Kochs and their Republican followers in Congress continue to assert that these hundreds of millions of dollars are free speech.

For evidence of that look no further than the Republican leader, who has flatout said: “In our society, spending is speech.”

Let me pose a question to everyone, including my friend the Republican leader. If this unprecedented spending is free speech, where does that leave our middle-class constituents, the poor? It leaves them out in the cold. How could everyday working American families afford to make their voices heard if money equals free speech? Should voters mortgage their homes if

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



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they are worried about climate change? If they are concerned about their children's education, should they max out all their credit cards making political contributions?

Is our involvement in government completely dependent on financial resources? The answer should be a resounding no, but the shadowy Koch brothers and all their different organizations, in attempting to buy America—if they succeed—the answer to that question is yes. Involvement in government, according to them, would be on how much money they spent.

There should be no million-dollar entry fee for participation in our democracy. As retired Supreme Court Justice John Paul Stevens noted very recently—he did this before a Senate panel just a couple weeks ago—“money is not speech.” He went on to say:

Speech is only one of the activities that are financed by campaign contributions and expenditures. Those financial activities should not receive the same constitutional protection as speech itself. After all, campaign funds were used to finance the Water-gate burglaries—actions that clearly were not protected by the First Amendment.

At its core the Constitution of our great country is the great equalizer. The Constitution gives all Americans, regardless of race, background or financial status, the same freedoms and rights. The U.S. Constitution levels the playing field—but not so calculated by the Koch brothers. According to them, lots of money is their name and it is their game.

The playing field of campaign finance is skewed in favor of interest groups and corporations. The more money there is, the more skewed it becomes. Justice Stevens rightly labeled these massive campaign contributors as “non-voters.”

Elections in the United States should be decided by voters—Americans who have a constitutional, fundamental right to elect their representatives. Yet more and more we see Koch Industries and Americans for Prosperity—one of their shadowy front groups—dictating the results of primaries and elections across the country. Behind these nonvoting organizations are massively wealthy men, hoping for a big monetary return on their political donations. When the candidates they bankroll get into office, the winners inevitably begin to legislate their sponsors' business plans—less regulation and less oversight for corporations.

Remember, the Koch brothers' dad was one of the inventors of many other strange organizations. It is hard to believe that one of these men ran for Vice President in 1980 as a Libertarian, and the views he pronounced at that time were so radical—doing away with Social Security, no taxes whatsoever, no power to enforce the laws, doing away with all environmental regulations. They have now become part of the main stream of the Republican Party. That should frighten everyone. Their dad was one of the beginners of the John Birch Society. Think about that.

Let me be very plain for all to hear: No one should be able to pump unlimited funds into political campaigns, whether they are a Democrat, a Republican or an Independent. As one political observer noted, we currently have a campaign finance system in place which compels each party to pick which billionaires they like best. What a shame. That is exactly why the system needs to change.

There is absolutely no question the Koch brothers are in a category of their own, in both degree and kind. No one else is pumping money into shadowy campaign organizations and campaigns like they are. There is not even a close second. They are doing this to promote issues that make themselves even richer. One hundred million dollars is not enough for the Koch brothers. No other individuals are recreating the role of a national political party. That is what they are doing. They are recreating the Republican Party.

I say why not level the playing field for everyone? Let's get this money out of our political system. Let's undo the damage done by the Citizens United decision. We should do it now. The Supreme Court has equated money with speech, so the more money, the more speech you get, and the more influence in our democracy. What kind of a system is that? It is wrong.

Every American should have the same ability to influence our political system: One American, one vote. That is what the Constitution guarantees. The Constitution does not give corporations a vote, and the Constitution does not give dollar bills a vote.

From what I have heard recently, my Republican colleagues seem to have a different view. Republicans seem to think billionaires, corporations, and special interests should be allowed to drown out the voices of all Americans. That is wrong and it should end.

I oppose the notion that a big bank account should give billionaires, corporations or special interest groups a greater place in government than American voters. That is why I support the constitutional amendment proposed by two Democratic Senators, Senators TOM UDALL of New Mexico and MICHAEL BENNET of Colorado. Their amendment curbs unlimited campaign spending. This amendment grants Congress the authority to regulate and limit the raising and spending of money for Federal political campaigns. That is not a bad idea.

Senators UDALL and BENNET's amendment reins in the massive spending of super PACs, which have grown so much since the Citizens United decision. It also provides States with the authority to institute campaign spending limits at the State level. I know in the State of Montana that was in effect for decade after decade after decade. The courts knocked that out because of the Citizens United opinion. It is such a shame.

The proposed amendment makes our Nation's campaigns fairer and allows

candidates to represent their voting constituents instead of big-spending special interest groups.

Here is something else that Justice Stevens said:

Unlimited campaign expenditures impair the process of democratic self-government. They create a risk that successful candidates will pay more attention to the interests of non-voters who provided them with money than to the interests of the voters who elected them.

“That risk is unacceptable,” Justice Stevens said.

So it is unacceptable that the recent Supreme Court decisions have taken away power from the American voter; instead, giving it to a select few megabillionaires.

Soon Chairman LEAHY and the Senate Judiciary Committee will hold a hearing on Senators UDALL and BENNET's constitutional amendment. The Senate will vote on that legislation.

I urge my colleagues to support this constitutional amendment, to rally behind our democracy. I understand we Senate Democrats are proposing something that is no small thing. Amending our Constitution is not something any of us should take lightly, but the flood of special interest money into our American democracy is one of the most glaring threats our system of government has ever faced.

Let's keep our elections from becoming speculative ventures for the wealthy and put a stop to the hostile takeover of our democratic system by a couple of billionaire oil barons.

It is time we revive our constituents' faith in our electoral system and let them know their voices are being heard because the American people clearly deserve a fair shot.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VA HEALTH CARE

Mr. MCCONNELL. Mr. President, our All-Volunteer military relies upon several critical factors to recruit young Americans who are sufficiently well educated, physically and mentally qualified, and adequately motivated to wear the uniform. Our recruits expect to be well led, well trained, adequately compensated, effectively challenged, and fairly treated. Critically, they also expected to receive the health care promised to them while they were on Active Duty or as veterans.

Later this morning Secretary Shinseki will testify on stories that emerged several weeks ago about administrators at the VA hospital in Phoenix falsifying medical records to conceal delays in providing care to veterans. In the wake of these reports similar stories from Wyoming, North Carolina, Missouri, and Texas have come to light about employees using similar tactics to conceal backlogs in medical care. The questions awaiting the Secretary will be tough, but this is his job. The American people are demanding and deserve answers to these questions.

To his credit, Secretary Shinseki has ordered an inspector general review of the Phoenix VA health care system. It would not surprise me in the least if additional inspector general reviews end up being required at other VA hospitals.

One thing I will be listening for today is whether Secretary Shinseki states a belief that the VA is, in fact, facing a systemic crisis because just this morning the Wall Street Journal reported that his Department has made “minimal progress at best” on a host of problems identified in 2012 by the nonpartisan Government Accountability Office—“minimal progress at best.” That is how a nonpartisan GAO official described it.

Many letters have come into my office on this issue. Kentuckians are really concerned. Let me read what one Kentuckian had to say:

As a veteran, I have read the recent revelations of events in Phoenix with horror. These [Americans] . . . sacrificed for their country . . . In return, we owed them competent care and treatment as a person, and not an obstacle to a “good evaluation.” In order to regain the trust of our veterans, it is vital that we hold those responsible accountable . . .

This Kentucky veteran could not be more right.

Last year I called the Obama administration’s veterans backlog a “national disgrace.” I have also made several appeals to the Secretary. I know, of course, I was not the only one. Yet the initial reports of the shocking situation in Phoenix indicate that things have only gotten worse. With similar stories now filtering in from other parts of the country, it is getting harder to believe this is not more of a sort of systemic, administration-wide crisis. The Veterans’ Administration needs to get to the bottom of how widespread the problem has become.

My concern is that the Obama administration will treat this scandal the way it does all the others—like a political crisis to get past rather than a serious problem to be solved. We know the President appointed a member of his staff yesterday to look into it. That is a start, but if the President is truly serious, he needs to treat these stories at least as seriously as he did the ObamaCare Web site fiasco when he pledged his complete attention and the full force of his administration to do whatever needed to be done. That was on the Web site fiasco when he let it be known that his people would not rest until a solution was worked out. Incredibly, so far the President has made no such pledge when it comes to the treatment of our veterans. The President needs to understand that our veterans deserve at least as much attention as a Web site—at least as much attention as a Web site. In fact, they deserve a heck of a lot more.

This is a really big deal. It is our job as Senators to get to the bottom of it. We need to ask the tough questions. We need to uncover the truth. Any misconduct found at VA hospitals should be met with swift punishment.

Administration officials need to be held accountable because America’s ill and wounded veterans have already paid a price. They have already paid a price. They have a right to expect that our country will be there when they need help. If we break faith with them, we are breaking faith with the recruiters who made commitments to the next generation of American military leaders. All of those people have made commitments. The recruiters, the military leaders have all made commitments. As one of my colleagues put it, American veterans ought to be first in line—first in line—for the best care, not pushed to the back of the line for what they are getting.

So our joint mission, whether we are Democrats or Republicans, should be to get to the bottom of the Obama administration’s veteran crisis swiftly and fix it. It means holding officials accountable. It means getting serious about solutions, such as Senator RUBIO’s bill that would make it easier to remove high-level VA employees for performance failures. I am proud to co-sponsor that legislation. I know some of my colleagues will have other good ideas in the coming days and weeks too. The point is, that is where our focus needs to be. We owe it to every veteran who has served.

50TH ANNIVERSARY OF THE BOURBON RESOLUTION

Mr. President, I wish to pay tribute to the spirit of Kentucky literally. This month marks the 50th anniversary since the U.S. Congress passed S. Con. Res. 19, which recognized bourbon whiskey as a distinctive product of the United States and unlike any other type of distilled spirit, whether foreign or domestic.

On May 4, 1964, Congress declared that bourbon whiskey had achieved recognition and acceptance throughout the world as a distinctive product of the United States and expressed a sense of Congress that the United States should prohibit the importation of any other whiskey purporting to call itself bourbon. This resolution helped to promote the thriving bourbon distillery industry that we can be thankful is located in the United States today.

Kentucky is, of course, the birthplace of bourbon. The drink itself is named for Bourbon County, KY. Bourbon County, KY, is in the heart of the Bluegrass State, where the product first emerged. Kentucky produces 95 percent of the world’s bourbon supply, and Kentucky’s iconic bourbon brands ship more than 30 million gallons of the spirit to 126 countries, making bourbon the largest export category among all U.S. distilled spirits.

Not only is Kentucky the overwhelming producer of the world’s bourbon, bourbon gives much back to Kentucky. It is a vital part of our State’s tourism and economy. The industry generates close to 9,000 jobs and contributed almost \$2 billion to Kentucky’s economy in 2010. Production of

bourbon in Kentucky has increased by more than 120 percent since 1999. Not to go unnoticed, the bourbon industry has taken an active role in promoting the responsible and moderate use of its product by everyone.

S. Con. Res. 19 was originally introduced 50 years ago by Kentucky Senator Thruston Morton, and a companion measure was introduced in the House by Representative John C. Watts. They recognized that just as Scotch whisky is a distinctive product of Scotland, Canadian whiskey a distinctive product of Canada, and cognac a distinctive product of the Cognac region of France, all with official government recognition, bourbon deserved the distinction that comes with official recognition as well. However, the International Federation of Manufacturing Industries and Wholesale Trades in Wines, Spirits, and Liqueurs could only enforce the protection of the bourbon appellation if Congress passed a resolution declaring such. Therefore, on May 4, 1964, Congress adopted the original bourbon resolution.

Fifty years later, I rise to introduce, along with my friend and colleague Senator PAUL, a new Senate resolution to recognize the 50th anniversary of this original declaration of independence for bourbon.

Kentucky is celebrating this 50th anniversary in appropriate fashion through various exhibits, events, and tastings. Perhaps the most exciting of these events is the display of the original bourbon resolution, which has been released from the National Archives and Records Administration in Washington. For the first time since its adoption, it is to be exhibited in Louisville at the Frazier History Museum. I was proud to be able to work with my friend and fellow Kentucky Representative ANDY BARR to assist in bringing the original resolution to Kentucky. I thank the Kentucky Distillers Association and the Frazier History Museum for their efforts to honor the anniversary of the bourbon resolution. I am also proud today to follow in the footsteps of Kentucky leaders from the past in honoring and recognizing the original bourbon resolution with this 50th anniversary resolution.

Bourbon production in Kentucky has grown strong and thrived over the last half century, and I am sure it will continue to do the same for the next 50 years. I thank and congratulate all the hard-working Kentuckians who contributed to building our State’s vibrant bourbon industry.

I urge my Senate colleagues to support this resolution and look forward to its swift adoption.

RECOGNIZING THE 50TH ANNIVERSARY OF THE CONGRESSIONAL DECLARATION OF BOURBON WHISKEY

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 446, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 446), recognizing the 50th anniversary of the Congressional declaration of bourbon whiskey as a distinctive product of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, and that the motions to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 446) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:15 a.m. will be equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

TAX EXTENDERS

Mr. GRASSLEY. Mr. President, I am glad the Senate is finally getting serious about passing tax extenders this year. Congress has put off the extension of the expired tax provisions until the last minute all too frequently. In 2012 provisions remained expired for an entire year before finally being extended in January of 2013. Similarly, the previous extension of the expired provisions did not occur until the middle of December. Such late action by Congress results in complications come filing season for taxpayers, particularly for people who hire tax preparers; tax forms are not ready and as a result refunds are delayed. So we owe it to our constituents to see to it that these added complications are not a factor this year. Tax season is unpleasant enough without our adding to it by failing to do our job in a timely fashion.

Already, by allowing these tax provisions to expire for more than 5 months, we have created a lot of headaches and uncertainty for individuals and businesses. The current expiration causes headaches for teachers purchasing school supplies, college students paying for higher education, and seniors making charitable donations from their IRAs. Those are only 3 of some 53 provisions we are considering extending. These should have been extended 4 months ago.

Furthermore, it creates uncertainty for businesses, which harms investment and business growth. The enhanced expensing rules under section

179 are of particular importance to small businesses and farmers. I regularly hear from my constituents who are putting off purchasing a new truck or tractor for their business operation because they do not know the fate of that provision. This is bad for economic growth, and it obviously has something to do with us having a high unemployment rate and jobs not being created.

The lapse of renewable energy incentives has already created a lot of uncertainty and slow growth in the renewable industry. This serves only to hamper the strides made toward a viable self-sustainable renewable energy and fuel sector.

I am aware that some of my colleagues have expressed extreme opposition to some of the provisions in the package. I would like to specifically respond to claims that some of my colleagues have made about wind energy and the wind production tax credit.

I am sympathetic to the argument that the Tax Code has gotten too cluttered with too many special interest provisions. That is the reason many of us for a long period of time have been clamoring for tax reform. But just because we haven't cleaned up the Tax Code in a comprehensive way doesn't mean we should pull the rug out from under domestic renewable energy producers. Doing so would cost jobs, harm our economy, harm the environment, and even enhance problems for national security.

I am glad to defend the wind production tax credit and wind energy. Wind energy provides more than 4 percent of U.S. electricity, supports 80,000 American jobs, spurred \$105 billion in private investment in the United States just since 2005, and that source of energy displaces more expensive and more polluting sources of energy, lowering electricity prices for consumers.

More than 70 percent of U.S. wind turbine value is now produced right here in the United States, compared to just 25 percent prior to 2005. More than 550 industrial facilities across 44 States manufacture for the wind energy industry. The wind industry today supports 80,000 American jobs. The tax incentive has spurred \$105 billion in private investment in the United States since 2005.

Opponents of the renewable energy provisions want to have this debate in a vacuum. They disregard the many incentives and subsidies that exist for other sources of energy and are permanent law, but they don't seem to talk about those much.

For example, the 100-year-old oil and gas industry continues to benefit from tax preferences that benefit only their industry. These are not general business tax provisions, as we are led to believe, no different from what other industries have. These are specific to the oil and gas business, the same way a wind energy tax credit is specific to wind. I will give a few examples of these tax provisions: expensing for in-

tangible drilling costs, deductions for tertiary injectants, percentage depletion for oil wells, and special amortization for geological costs. These four tax preferences for this single industry result in the loss of more than \$4 billion annually in tax revenue.

Nuclear energy would be another example—in fact, a very great example. The first nuclear powerplant came online in the United States in 1958—56 years ago. Nuclear receives special tax treatment for interest from decommissioning trust funds. Congress created a production tax credit for this mature industry in 2005, and that production tax credit is going to be available until 2020. Nuclear also benefits from the Price-Anderson Federal liability insurance provisions. Congress provided that as a temporary measure in 1958, but it is still here and it was renewed, as I said, through 2025. Nuclear energy has also received \$74 billion in Federal research and development dollars since 1950.

Are these crony capitalist handouts? I haven't heard it from the same colleagues who talk about wind energy. Is it time to end market distortion for nuclear power? I haven't heard my colleagues talk about that.

A Cato study found that "in truth, nuclear power has never made economic sense and exists purely as a creature of government."

There is also no truth to the claim that wind energy is somehow undercutting baseload power. Baseload nuclear and coal energy are being harmed by cheap natural gas, transmission congestion, and stagnant electricity demand.

The chairman and CEO of NextEra Energy James Robo addressed this issue in an op-ed recently. NextEra operates significant wind generation but also a large nuclear operation. He stated:

We do not merely advocate for an "all-of-the-above" energy strategy—we live it. And from our perspective, nuclear plants in competitive markets are not challenged by wind energy but by low natural gas prices caused by the shale gas revolution.

Blaming the wind industry for the challenges in the merchant nuclear business may be politically expedient, but it will not help any company or technology operate more successfully in a low natural gas price environment.

Wind energy and its incentives are not to blame for the market conditions affecting the economics of nuclear energy.

So I would ask my colleagues a very simple question: Why is repealing a subsidy for oil and gas or nuclear energy a tax increase on energy producers and consumers, while repealing an incentive for alternative or renewable energy is not? It is not intellectually honest.

I authored the wind energy incentive in 1992. We know there is no justification for it to go on forever. It was never meant to, and it shouldn't. I am happy to discuss a responsible multiyear phaseout of the wind tax

credit. In 2012 the wind industry was the only industry to put forward a phaseout plan. But any phaseout must be done in the context of comprehensive tax reform where all energy tax provisions are on the table at the same time. It should be done responsibly over a few years to provide certainty and ensure a viable industry.

Thank God Chairman WYDEN has expressed his determination that this will be the last tax extenders bill prior to comprehensive tax reform. I share Senator WYDEN's sentiment in favor of putting an end to the annual kabuki dance that is what we call tax extenders, the bill before the Senate we are going to be voting on shortly. Good tax policy requires certainty that can only come from long-term predictable tax policy. Businesses need certainty in the Tax Code so that they can plan and invest accordingly. Moreover, taxpayers deserve to know that the Tax Code is not just being used for another way to dole out funds to politically favored groups. However, the only sound way to reach this goal is through comprehensive tax reform, and Senator WYDEN, as chairman of the Finance Committee, can make that happen, and he said he is going to.

I agree that there are provisions in extenders that ultimately should be left on the cutting-room floor, but it is in a tax reform environment where we should consider the relative merits of individual provisions.

Targeting certain provisions for elimination now makes little sense for those of us who want to reduce tax rates as much as possible. Tax reform provides an opportunity to use a realistic baseline that will allow the revenue generated from cutting back provisions to be used to pay for reductions in individual and corporate tax rates.

I look forward to working with my colleagues in the future to enact that tax reform and put an end to the headaches and uncertainty created by the regular expiration of the tax provisions we are considering right now on the Senate floor. Right now our focus must be on extending current expired or expiring provisions that will end up giving us room in the baseline—the baseline CBO always talks about—to work toward that goal of tax reform.

It is my hope that we can move quickly to reach a bipartisan agreement in the Senate and come to a timely agreement with the House. Taxpayers should not have to wait until December or January for us to act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. KAINE. I thank the Chair.

(The remarks of Mr. KAINE pertaining to the introduction of S. 2341 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAINE. I thank the Chair. I yield the floor.

Mr. COATS. Mr. President, what is the current status of the floor?

The ACTING PRESIDENT pro tempore. The Senate is in divided time until 11:15.

Mr. COATS. I ask to be recognized for part of that time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

MAJORITY LEADERSHIP

Mr. COATS. Mr. President, citizens of Indiana sent me to Washington to be their voice. As I travel across the State and listen—whether at coffee shops or factories, small businesses, local schools or people on the street—I hear a lot of good advice about what they think we ought to be doing. There are regulations and taxes and policies being imposed on their businesses and their personal lives. They would like to see some changes, some reforms.

Many of their ideas are very sensible because what we do affects their livelihoods. That is what the Senate is all about. That is why we have a Congress. That is why we have representatives—so we can represent the voices of the people who sent us—but right now Republicans, as we are in the minority, are being shut out of our ability to represent their voices.

The tradition of the Senate since its inception has been a place described as "the world's greatest deliberative body." A place where we can take time to deliberate ideas, reforms, to be able to offer amendments to legislation brought forward, to talk to our colleagues and encourage bipartisan support, work to achieve a majority so the ideas we bring can be passed into law—coordinated with the House and sent to the President to sign and become law.

A strange thing has happened under the current leadership of our majority leader; that is, he has found a way to procedurally gag us from representing the voice of the people of our States. In the last 10 months, Republicans have been offered a vote on the substitute policy measure or amendment to a policy measure only nine times.

I had the great privilege of serving in the Senate at a previous time in my life. I had committed to term limits. So after my two terms were fulfilled, I honored those term limits and stepped down. I was out for 12 years. I was asked to come back at a time when many thought our country was going in the wrong direction, and they wanted a voice to stand for their interests and feelings about what our country ought to be and the kind of policies we ought to have enacted. I had the great fortune of being sent back to serve this Senate, only to find, to my shock and amazement, that under the procedures used by the majority leader, this is no longer the greatest deliberative body. It has turned into the least deliberative body because we haven't been able to deliberate anything.

I have served under Republican and Democratic majority leaders: Senator Mitchell, a Democratic majority leader; Senator Daschle, a Democratic majority leader; Trent Lott and Bob Dole,

Republican majority leaders. Whether Republican or Democratic, they honored the traditions of the Senate. They honored what the Senate was designed to be.

No one was more eloquent in allowing the minority to play a role, to offer amendments to bills, to debate those bills, and to vote—sometimes we won, sometimes we lost, but we at least had an opportunity for our voices to be heard and for our colleagues to cast their yea or to cast their nay on what we were offering. No one was a greater defender of those minority rights than then-majority leader Robert Byrd from West Virginia.

Robert Byrd is lionized here in terms of his long service and remembered most for the fact that he was so faithful to the Constitution of the United States and so faithful to the traditions of the Senate, the rules of the Senate, and the procedures of the Senate. Whether one was a Republican or Democrat, liberal or conservative, no one was a greater defender of the traditions of the Senate allowing full and open debate than Robert Byrd.

I had many disagreements with Robert Byrd but great respect for his respect for this institution. We don't see that today. There is no Robert Byrd here. There is no one standing on the other side saying: Wait a minute. This is not what we are here for.

The procedures the majority leader has undertaken affect Democrats as well as Republicans. I know many of my friends across the aisle—some of them are cosponsors of some of the legislation proposals and amendment proposals I have made—they are not allowed to offer their amendments either. We are frozen out by someone who has taken a dictatorial position, saying: It is my way or the highway.

We see that foreign policy enacted now coming out of Russia with Vladimir Putin, but that is not what the United States is about. That is not what the Senate of the United States is about. We are a democratic institution. A democratic institution means voices of the people can be heard.

The voices of the people I represent are not being heard because I can come down here and talk about my amendments, but I am not allowed the opportunity to have full debate and a vote on those amendments. The same is true for my 44 colleagues on the Republican side.

It is unprecedented. It has never happened before. It is dictatorial. Even the news media are scratching their heads, saying: We have never seen this before. It is a tragedy that this is the case.

Here we are coming up to yet another major piece of legislation, the so-called tax extenders. These are provisions within the Tax Code that allow certain exemptions or credits or special provisions—for instance, research and development. There is a deduction allowed, bonus depreciation for businesses, any number of things that we are going to be talking about that need to be legislated because they expire at the end of

this year. Normally we would have open debate from those of us who support some of those, from those of us who oppose some of those, and what changes might be made. In the end, that debate turns to a vote, and the vote determines where the Senate stands.

I know some of the things I would be proposing may not be passed by the Senate, but I would like to put it to the test. I would like to have my colleagues have an opportunity to not only hear what they were but to vote on them, let their yea be yea and nay be nay.

That is a Biblical injunction that goes back to the beginning of time: Let your yes be a yes and your no be a no. But don't use procedural devices to prevent us from going to yes or going to no.

I will mention three provisions I would like to see incorporated in, debated, and voted on in this legislation coming before us.

We will find out shortly, but we are told that once again the majority leader will come down and say: I am not allowing Republicans to offer any amendments, even if they are sensible, even if they are reasonable, even if they are relevant.

That is a repetitive process which has been undertaken, and it is tragic, it is unfortunate, and it is not the Senate. We all ought to be ashamed that this is the procedure we are operating under.

I want to help Indiana charities. There are a number of small charities—individuals or small groups of individuals with a big heart trying to do the right thing and reach out and provide support. As the Federal Government budget is ever shrinking because of our debt and deficit and runaway entitlement spending, much less for other spending that we have control over, these charities have found themselves somewhat in a bind. Some of them are small. They don't have the backroom, the accountants, the lawyers, and so forth and so on to read through all the regulations. Many of them have lost their nonprofit status for a very simple reason that can be easily corrected.

There are certain procedures which require certain amounts of information to be provided to the Internal Revenue Service. If it is not provided, the Internal Revenue Service has the authority to close down those charities. Many of them have not realized that this certain amount of information needs to be provided on an annual basis. All of a sudden they get a notice in the mail that their 501(c)(3) or tax-exempt status has been revoked. Then they call my office and ask: What is going on here?

The IRS says you didn't comply with all the regulations.

What regulations?

These people are not making a profit. They are trying to provide social services and needed help to the low-income, poverty, people in need. They don't

have the expertise, they don't have the time, they don't have the understanding of what it takes to comply with all of the thousands and thousands of pages of regulations.

All I am asking with this amendment—and it seems something everybody would agree to and we could do by unanimous consent—is that the IRS notify these people with a special notification basically saying: This is what you haven't complied with. You have a certain amount of time to do this or we will have to take away your tax-exempt status.

Some of these things are no-brainers. Can we ask the IRS to simply send a notice if they are going to terminate a 501(c)(3) because they didn't fulfill a particular regulation? Can we give them notice so they then can take it to their tax accountant or take whatever actions it needs in order to meet the test and not lose that status? Losing that status means they are out of business. They are not able to receive contributions that are tax deductible. Many of them will lose that.

The ObamaCare bill incorporates a provision that increases the threshold over which someone can deduct medical expenses. Currently, it is 7.5 percent of total adjusted gross income. The ObamaCare health care law, unbeknownst to many, raised that level from 7.5 percent to 10 percent. I am simply wanting to offer an amendment that would go back to the status quo or go back to the current law and keep it at 7.5 percent. I believe that could gather and garner bipartisan support. I would like to put that for a vote.

Third is a medical device tax repeal which I have been talking about ad nauseam for 3 years. One of the most egregious things in the ObamaCare act was the taxing of gross sales in an industry that is dynamic, provides high-paying jobs, and is leading edge in terms of innovation and creativity, and providing much needed help for those who have health conditions that can be addressed through certain medical devices. I know we have bipartisan support for the passage of this provision and this repeal because in our non-binding budget vote—the chance when we did have the vote—34 Democrats joined 45 Republicans for a total of 79 out of 100. That is a majority that overrides a veto, and that is a majority of bipartisan—near consensus—as to how we ought to move forward. Yet once again we have been denied despite every effort over a period of years by the majority leader from having a binding vote on that. Clearly someone is afraid that this is going to pass. Therefore on a decision solely made by the majority leader, perhaps encouraged by the President, we are not even allowed an opportunity to take that vote. So the voice of the people—whether it is Indiana or the voice of the people from this country—is being gagged, and there is a big gag put on everything that we are trying to do here.

I got pretty worked up about this yesterday. I guess I have calmed down a little bit today, maybe going from total frustration yesterday to pleading with some sense of reason that the procedures here could be changed so that we at least have the opportunity to state our case and to take a vote. That is all we are asking for on this—these tax extender provisions coming before us. We are willing to address and offer a limited number of totally relevant amendments. Give us the chance to make our case. Take the vote and let the yea be yea and the nay be nay on it and see who prevails on it. Yet the word is that the majority leader once again is going to deny us this opportunity. It is more than tragic because it turns this institution which was venerated for being a deliberative body into a nondeliberative body. None of us ever thought we would see this happen.

As I said, had Robert Byrd been here or had George Mitchell been here or had a number of other people been here, they never would have allowed this. This is not what the Senate has been traditionally, and it is something today that none of us recognize and it is just a shame. I am not exactly sure how we should best go forward now that the majority leader is apparently going to stifle our efforts. There are very important provisions here that need to be addressed because they expire at the end of the year.

I see my colleague Senator WYDEN, a Democrat from Oregon, with whom I have worked on comprehensive tax reform. These provisions today are essential to our moving to where we really need to go, and that is full comprehensive reform—lowering our corporate tax rate, lowering our individual tax rates, and making our Tax Code simpler and more fair and more growth oriented. Those are the provisions of the Wyden-Coats bill. We have to move with that; we have to deal with this first. But we need to deal with this in a way that doesn't leave a lot of rancor and a lot of frustration on our side that we haven't had an opportunity to have a voice in the matter.

So once again, I am pleading with the Senate majority leader and my colleagues on other side of the aisle that we work to find a way to turn the Senate back into the Senate. What are we afraid of?

Mr. President, with that I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

TAX EXTENDERS

MR. WYDEN. Mr. President, in beginning my remarks on these extenders, I want my colleague from Indiana to know that in the Finance Committee we have done everything we could—all 24 of us—to avoid the rancor and polarization that has so often accompanied the big economic debates, and we passed the bill out of the Finance Committee overwhelmingly on a bipartisan basis.

Today the Senate is going to have the opportunity to vote against a big

tax increase—actually, a bunch of big tax increases—that would slam our fragile economy hard and would punish innovators, punish our small businesses, punish homeowners who are underwater with their mortgages, punish returning veterans looking for jobs, and punish students and classroom teachers.

Colleagues, who here thinks it makes sense to tax innovation? That is what will happen if the tax extender bill fails to pass today. Who here thinks it makes sense to tax millions of hard-working homeowners who are underwater on their mortgages and were lucky enough to get a break from their lender? That is what will happen if the tax extender bill fails to pass today. Who here thinks it makes sense to make it more difficult for our employers to hire veterans? Colleagues, that is what will happen if the tax extender bill fails to pass today. And who here thinks it makes sense to sock college students already drowning in debt with even higher tuition bills? Once again, colleagues, that is what happens if the tax extender bill fails to pass today.

I am very much aware that this bill is not exactly what every Senator wants. Little secret: It is not my first choice either.

For years I have had the honor to work with my colleague from Indiana on comprehensive tax reform. We were joined by our former colleague Senator Gregg. Senator BEGICH has done good work. That has long been my first choice. When Chairman Baucus went to China, I realized it wouldn't be possible in the few months that remain in this session to enact comprehensive reform, and the Senate shouldn't hit our economy once again with immediate—I say, immediate—tax hikes as work goes forward on the broader reforms that Senator COATS and I feel so strongly about.

Senator HATCH and all the members of the Finance Committee worked cooperatively and helped produce a bipartisan tax extender bill. This is essentially the first piece of legislation on my watch as chair of the committee. The process was totally open. Every member of the Finance Committee had the opportunity to weigh in and offer proposals.

I want to just briefly describe some of the extraordinary bipartisanship that went into the bill that we will have an opportunity to vote on today. Senators SCHUMER and ROBERTS built on the good work of another bipartisan duo, Senator MORAN and Senator COONS, and improved the research and development credit to make it available to those startups out there in garages who have a dream. The research and development credit is essentially the premiere part of this legislation because we saw a need for those innovation-driven jobs. We have four Senators—two of them Democrats, two of them Republicans—in effect coming together to improve significantly the research and development credit to ensure that it was available to even more

of the startups—even more of those innovators—the ones just getting out of the gate. We know a lot of our big businesses started that way—the Microsofts, the Intels, and others.

Next Senator CARDIN and Senator PORTMAN added important provisions to help the long-term unemployed. We all understand that the nature of those who are unemployed has changed significantly in recent years. We have many more who are long-term unemployed Americans and we had two Senators—by the way, two Senators who started working in a bipartisan way when they were House members. I remember their good work on the Ways and Means Committee. They came up with a very promising approach to help the long-term unemployed. Senators HATCH, GRASSLEY, and ROBERTS—three Republicans—joined a whole host of Democrats in supporting conservation, which I know the distinguished Senator from Montana knows a great deal about. Senator Baucus had a long interest in it. What this measure does—again on a bipartisan basis—is protect open spaces and outdoor recreation businesses.

On the charity front, I heard my good friend from Indiana speak on this, and he has done wonderful work standing up for our charities. He and I and Senator THUNE feel so strongly about making sure charities get a fair shake in tax policy. I would say to my good friend, I am very pleased that there is a provision in what we will vote on today that would allow retirees who choose to use some of their IRA savings and give those IRA savings to charity. This legislation today would give a break to those retirees. In effect, as my friend and I have talked about, it is the IRA rollover concept to help our charities. That too is in this legislation and has long had bipartisan support.

I could go even further, but I will simply wrap up by saying that today the Senate has a chance to push back hard against big tax increases—tax increases that I have indicated punish everyone from innovators to classroom teachers and would hit our small businesses hard when the economy is so fragile. The Senate would have the opportunity today to push back against those immediate—immediate—tax increases, as well as future tax increases and to support the bipartisan work of the 24 members of this body who serve on the Finance Committee.

So I hope that my colleagues will see that even though this bill is not everything each Senator wants—and it is very fitting that my good friend from Indiana is on the floor because he knows that I strongly prefer the idea of comprehensive reform—it became clear to me that it wouldn't be possible to do that in the few short months before the end of the year. So the question was, are we going to stop immediate tax hikes, which I hope the Senate will vote today to do, or are we just going to say we will sit by and watch Ameri-

cans get hurt and in effect have a lot of Americans say, if the Senate can't do this, how are they possibly going to go on to the comprehensive tax reform that I and others would like to accomplish.

So I hope my colleagues will vote today to advance this bill, vote for cloture, vote to break the gridlock, vote to prevent a massive tax increase, and show that when a committee like the Senate Finance Committee comes together with almost a quarter of the Senate on an overwhelming basis, it can set an example for the Senate. I am so appreciative of Senator HATCH who has consistently met me half way. I, in effect, parachuted into this job as the new chair of the Finance Committee—when certainly I didn't expect it—and was fortunate to be received with the graciousness of Senator HATCH. This is essentially the first bill on my watch. We had an overwhelmingly bipartisan vote, and I hope my colleagues later this afternoon will vote to advance it.

With that Mr. President, I yield the floor.

Mr. COATS. Mr. President, I ask through the Chair, if the Senator from Oregon would be willing to enter into a dialogue with me.

I have a couple of questions, but I also want to respond to the efforts he has made in a bipartisan way so we were able to move forward with this comprehensive reform.

The PRESIDING OFFICER (Mr. BOOKER). The Chair recognizes the Senator from Indiana.

Without objection, it is so ordered.

Mr. COATS. First of all, it has been a delight to work with the Senator from Oregon. Comprehensive tax reform is not easy, and it has not happened in 25 years. This is not what we are talking about today. But we are setting the stage for that, and I think that is important.

I agree with the Senator from Oregon when he spoke about the bipartisan product that came out of committee. It has been negotiated, and Members of the committee had an opportunity to make adjustments and get their provisions looked at and voted on. Some provisions were voted down and some were voted up. Now it has moved to the Senate floor, and there are those of us who don't serve on that committee that have some suggestions as to how we think we can make the bill even better.

I laid out three provisions that I am interested in. One addition I have for the bill is a very simple piece of legislation that would give notice to charities that are being terminated from their 501(c)3 tax exempt status so they have a chance to rectify the error or problem. I feel that is very sensible and totally relevant. Yet I am prohibited—unless the majority leader comes forward and allows us to offer amendments—from offering that specific provision.

We all know there are many good things in here we support. There are

some provisions we might agree on and other provisions we don't support, but all we are asking for is the opportunity to enter into the procedure that the Senator and I have both enjoyed in the past so we can debate some of this on the floor.

Could the Senator give me an indication as to whether or not they have shut down the process of any additions, modifications or reforms to this bill that we can have a vote on?

I know the Senator knows this, but I have to say that obviously people are not going to get these higher taxes imposed on them tomorrow if we don't pass this today. These provisions will expire at the end of the year. The House is on a different path in terms of dealing with these issues. We are going to have to reconcile the differences.

The real issue doesn't take effect—I mean the concern doesn't take effect until the end of the year. So that gives us plenty of time to debate and talk about reforms as well as some constructive additions that I have mentioned.

I ask my friend from Oregon this. Would he be willing to encourage the majority leader to offer us that opportunity to make some relevant—and hopefully constructive—adjustments, even a limited amount, to the legislation so we feel we at least had the opportunity to represent the voices of the people we represent here in Washington?

Mr. WYDEN. First, I want to be clear on a couple of points. This idea that there really are not any immediate consequences—I know my friend from Indiana spends a lot of time talking to businesses, as I do, and these businesses are up in arms about the fact that the Senate cannot deal with this because it doesn't give them the certainty and predictability they need to go out and make those orders and hire those workers. As my friend knows, so many of those businesses make quarterly payments—April, June, et cetera.

I want my colleagues to understand that the idea that maybe this is going to get worked out at another time is not in anyone's best interest.

When you are home for this recess, walking down Main Street and talking to people who are going to pay those higher taxes and are not able to make those investments and hire those workers and make those decisions now, they are not going to be happy that the Senate said: Oh, we will see if maybe it will work out some other time or retroactive or something like that. They are making quarterly payments and decisions right now.

Second, the Senator from Indiana knows—because of our work—how much I want to do comprehensive reform. One of the reasons that Senator HATCH and I made the judgment together that we were going to focus on extenders is because these are provisions that have essentially already expired. I didn't get a chance to hear all of my friend's presentation, but I

know, for example, that he cares a great deal about the medical device tax. I joined him in voting to repeal the medical device tax when we had a vote earlier. I think it has real implications, as I know my friend does, for innovation and for jobs.

It is not an extender. It is not in line with the framework that Senator HATCH and I agreed on a bipartisan basis to do now. We said: We are going to do extenders now. To tell you the truth, if we can get through the extenders, starting with a favorable vote today, it will give us even more time to do what my friend from Indiana is talking about both in terms of comprehensive reform and looking at other issues.

If, however, we can't deal with the extenders, the message is going to go out far and wide: How are they going to address comprehensive tax reform on the Senate floor when they couldn't even pass this legislation which got such overwhelming support in the Senate Finance Committee?

So I renew my pledge to work very closely with my colleague from Indiana and repeat that the idea that somehow everything is going to turn out fine down the road, I just don't buy that. In a fragile economy when businesses can't plan and don't have the certainty of knowing what the rules are going to be and when they are going to kick in, that affects business decisions today in a negative way. When people are making those quarterly payments, you better believe there are going to be small businesses, and others, very unhappy if we see a tax increase, which is what will happen today.

I have to apologize to my colleague from Indiana because I have to be somewhere else and I am late, but I will just close by saying that I know the sincerity of my colleague. That is why I mentioned that charitable provision that allows for the IRA rollover into charity. No one has done more good work advocating for charities during my time in public service than the distinguished Senator from Indiana. I simply wanted him to know that at least we were making a beginning in this legislation, and I am committed to working with him in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the accolades from my partner in dealing with comprehensive tax reform. I appreciate and understand where he is trying to come from. It is true that some of the amendments that have been proposed don't directly apply to the extenders, but they do apply to taxes, and they are sensible. If the majority leader would agree, we can limit it to those that directly apply to the extenders.

Look, everyone knows that even if the majority leader prevents us from having amendments, we are going to finish this bill by the end of next week—before the recess period. We are

not talking about: Do it today or it is a "done forever" situation. This is going to be resolved in the Senate within the next several business days, probably moving into next week.

All we are really asking for is the opportunity to make some improvements to this. There are some Members who say: I can't vote for this bill because this piece that the committee has agreed to is so egregious, and it overwhelms all the good that I see in it. Others will simply say: Well, OK, sometimes you have to take the less good—perfect being the enemy of the good—because it is the only way we can get to a bipartisan position. So, yes, I will lean forward even though I object to this particular provision. But at least they can say: I had the opportunity to make the point to my colleagues as to why certain provisions are in there. I can ask: Why is something that is this egregious? This doesn't fit the model of what we are looking for in terms of growth and innovation and sensible tax policy. Let's put that to a vote.

In the end we will still have a bill that will either have it in or out, but we will have had the opportunity to debate it with our colleagues, and not just simply *carte blanche* say: Here is what we decided in committee. By doing that, nobody else will have an opportunity to have their input in a way that they think will make it better.

Let's put these issues up for a vote. Let's debate it on both sides so we can ask: How did it get in there? Why did it get in there? What good does it do? If they can't make the case, they lose the vote. If they make the case, they win the vote.

Isn't that what we are here for? Aren't we here to make our case and put it to a vote so the American people can look at it and say: At least I know how my Senator voted on this particular issue which is very important to me.

When we go home, we can either defend our vote successfully or we don't. If we don't, and enough people think we are on the wrong track, they have the opportunity to go to the polls and send somebody else in place of us.

What are my colleagues afraid of? Are they afraid of taking any kind of vote that someone back home might not think is the right thing to do?

We were sent here to exercise our best judgment, to represent the people who sent us here, to stand up for their interests, and then to take the consequence at the next election—yea or nay. Either they will send us back or they will find someone else to stand here.

The gag rule imposed by the majority leader—not my friend from Oregon—simply says: You are in the minority. You didn't win the election; therefore, you have no rights.

Despite what the Senate has done for over 200 years, and despite what other Democratic leaders have honored in terms of the rights of the Senate, the

majority leader is saying: I am shutting all of that off. You have no rights. You can't offer any amendments. You can't offer any improvements to this bill.

We were taught from the beginning—in terms of how laws are made—that it is a process, and the process is that everybody gets their input and then we decide what we want to support. If you can cobble together a majority for supporting your issue, you end up winning.

All of this will be determined here in the next week. A vote today in protest of our inability to be gagged and shut down by the majority leader doesn't mean we are opposed to good provisions that my colleague from Oregon has said have bipartisan and nearly unanimous consent.

The vote today is about whether we are going to have the opportunity to say and do anything to make this a better bill and allow us an opportunity to have our input. I listed three items here that I think directly relates to taxes. If the parliamentarian determines that those are not relevant to the particular bill, I will accept that even if I think they are relevant. My colleagues will also accept that. We are tailoring items we think will go directly to what the issue of the day is; yet we are not offered the opportunity to do anything about it.

I cannot understand why my Democratic colleagues can't see the injustice and unfairness of that. If they were in the minority, they would be standing where I am and basically making the same point. How can Republicans conceivably say: I have been elected here, but I have no way of representing the voice of the people who sent me here. I have no way of offering a means of improving this bill or taking on something that I find totally egregious, but I am willing to accept how the vote turns out. I am not necessarily trying to stop the bill from going forward, but I am trying to make it better.

I think if the shoe was on the other foot, my colleagues would simply say: That is not the way the Senate is supposed to work. That is not why I came here. I came here to be a participant. I didn't come here to be told by the majority leader that I have no right to offer a relevant amendment to legislation that is before us. It is a total neutering of the minority rights in a body that was conceived by our Founders—and a tradition that has been held for more than 200 years—to be a deliberative body. Deliberative doesn't mean the majority leader walks over from his office and says: You have no right to offer an amendment. We are taking that right away from you. Deliberative means we stand and talk to each other as we just did. It is pretty rare for two of us to be on the same page on comprehensive tax reform and probably on the extenders, but the two of us have the chance to go back and forth with each other.

I know the time has run out and it is time to call for a vote.

No one should mistake a vote against this as a vote against tax extenders. It could be a protest. I am not sure where we will end up, but it could be a protest vote on the basis of the fact that we want to have our rights honored. We want to be able to participate. We want to be able to go home and say: I had a chance to take your voice to the Senate and debate it. It was voted on. It either passed or it didn't pass, but I gave it everything I had. I don't want to go home and say: I didn't have a chance to even raise my voice on behalf of your voice and achieve any kind of debate, deliberation or vote on this amendment. That is not why we are sent here. My Democratic colleagues need to understand that continuing to support what the majority leader is doing impacts their rights and their people's rights as much as it does ours.

With that I know the time has expired and I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided before the cloture vote.

Mr. TESTER. I ask unanimous consent to yield back all time.

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

Mr. COATS. We yield back time as well.

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

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 Rosemary Marquez, 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, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

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 Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), and the Senator from Nebraska (Mr. JOHANNES).

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

The yeas and nays resulted—yeas 58, nays 35, as follows:

[Rollcall Vote No. 150 Ex.]

YEAS—58

Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Pryor
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Hirono	Schatz
Brown	Johnson (SD)	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Stabenow
Carper	Klobuchar	Tester
Casey	Landrieu	Udall (CO)
Chambliss	Leahy	Udall (NM)
Collins	Markey	Walsh
Coons	McCain	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Flake	Mikulski	
Franken	Murkowski	

NAYS—35

Alexander	Grassley	Portman
Barrasso	Hatch	Risch
Blunt	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Lee	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Paul	

NOT VOTING—7

Boozman	Levin	Sanders
Burr	Manchin	
Johannes	Rockefeller	

The PRESIDING OFFICER. On this vote the yeas are 58, the nays are 35. The motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Cloture having been invoked, the clerk will report the nomination.

The legislative clerk read the nomination of Rosemary Marquez, of Arizona, to be United States Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

The Senator from Oregon.

Mr. WYDEN. Mr. President, to use our time, my colleague from Indiana spoke earlier as though the cloture vote on the extenders determines whether the Senate will have any amendments to the extenders bill. That is not the case. A "yes" vote today is a vote to move the debate forward.

In that vein I simply want to announce that if cloture is invoked, I would be happy to work with Senator HATCH and the two leaders to develop