

Rhode Island, a career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru?

The nomination was confirmed.

#### VOTE ON MCWATTERS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of J. Mark McWatters, of Texas, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2019?

The nomination was confirmed.

#### VOTE ON WORMUTH NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Christine E. Wormuth, of Virginia, to be Under Secretary of Defense for Policy?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### VOTE EXPLANATION

Mr. THUNE. Mr. President, today, due to tornados and severe storms in South Dakota, which resulted in significant damage to homes and businesses in my State, I was traveling back to South Dakota to survey the damage and meet with local leaders coordinating response efforts during the scheduled vote. Had I been present for today's vote on the confirmation of Executive Calendar No. 770, Gustavo Velasquez Aguilar, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development, I would have voted nay.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am told there is 7 minutes remaining postcloture on the motion to proceed to H.R. 4660.

The PRESIDING OFFICER. There is 9 minutes remaining.

Mr. REID. I yield that time back.

Ms. MIKULSKI. Mr. President, I would like to claim those 9 minutes.

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

Mr. REID. If she wants to use the time, please do.

Ms. MIKULSKI. Mr. President, before we move to the adoption of the motion to proceed on CJS appropriations, if in fact we do so, I wish to speak as the chairperson of the Appropriations Committee and the chair of the subcommittee on CJS.

I am really sad about what has happened here. I am really sad we couldn't find a way to proceed to bring up these three outstanding bills.

I note that what we wanted to bring to the floor was the Commerce-Justice-Science bill, the Agriculture bill, and Transportation, Housing and Urban Development.

There are significant policy differences even on each one of those bills, whether it is truck requirements, whether it is school nutrition, whether it is environmental—important discussions and decisions on the environmental protection.

On my own CJS bill, we are going to really lose a lot. You know, I had money in this bill—working with Senator SHELBY—for bulletproof vests for cops to protect those who protect us and more money for domestic violence to be able to protect those in their own homes. I have also added more money to work with those people who have been rape victims, doubly assaulted by the system where they are not only raped by a perpetrator, but the very system didn't process the forensic evidence that would have validated the guilty party or even ascertained that there was a serial rapist.

Agriculture fed the hungry in this country and fed the hungry around the world. And of course transportation and housing both created jobs, solved problems in physical infrastructure, and also at the same time met compelling human needs in our housing. Particularly, I note the items such as housing for the elderly and the economic development.

I am not going to take my full 9 minutes, but I would hope that at the end of today we figure out how we could have another day.

I know on both sides of the aisle in the Appropriations Committee itself, those subcommittee chairmen really worked hard to produce bills. As of today, we have moved six bills out of our full committee and are pending on the floor. But now we have to truly arrive at a set of rules for the road on how we can proceed to bring these bills to the floor. I really hope we can do so.

There has been so much good will on both sides of the aisle and also on both sides of the aisle a really incredible effort to be able to meet the needs of our country, to have a more frugal government and a really, truly civil process.

So this day will come to an end. But I really hope that the Appropriations Committee coming to the floor doesn't die today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I know there are others who wish to speak, and if they want to use time remaining postcloture, fine; otherwise, I yield the time back, and the floor will be open for everybody. But I need to do that first. So, does anyone want to speak for the 2 minutes remaining on this?

I ask unanimous consent that all time postcloture be yielded back.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

#### BIPARTISAN SPORTSMEN'S ACT OF 2014—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 384, S. 2363.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 384, S. 2363, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and other purposes.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I know my friend from Tennessee is on the floor and would like to make a few observations. I would just very briefly make the following point ahead of him.

Another way of looking at the way the Senate is being run that affects Democratic Senators:

Democratic House Members from Oregon have had 12 rollcall votes on their amendments, but Oregon's Democratic Senator does not have any—none. Democratic House Members from Virginia have gotten 11 rollcall votes on their amendments, but Virginia's two Democratic Senators have gotten none—zero. Democratic House Members from Colorado have gotten seven rollcall votes on their amendments, but the Democratic Senators from Colorado have gotten none—zero. Democratic House Members from California have gotten 37 rollcall votes on their amendments, but California's Democratic Senators have gotten none—zero.

So that is the condition of the Senate today. It is not just affecting the Republican minority, but the Democratic majority as well.

I see Senator ALEXANDER is on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, let me see if I can say something that contributes to progress, especially while the Senator from Maryland, the chairman of the Appropriations Committee, is on the floor.

She has really done a terrific job in working with the Republican and Democratic leaders to try to get us back to the business of appropriating. We are not that far away. We have three bills ready to come to the floor. We have consent on the Republican side—which had to be unanimous over here to be able to bring it up in this way.

Now we have a difference of opinion between the two leaders about whether all the amendments ought to be 60 votes. I would respectfully suggest that is not the norm.

It is true that the Republican leader has said many times that an important amendment ought to be 60 votes. Recently when we were working on the

Child Care and Development Block Grant or some other legislation, we would say the norm is 51 votes. But for a nongermane amendment, or if it was an especially controversial amendment, then maybe it would be 60 votes. That was a matter of negotiation.

So my hope is that we could move through these appropriations bills in the normal way, which would mean most votes would be 51. Occasionally, there might be a 60-vote vote. That is what we usually have done. That is what we historically have done. The majority party has 55 members last time I checked. It has a President who can veto anything, and it takes 67 to override him. So they have plenty of advantages on their side.

Now, let me conclude in this way—and I said it this morning in our Appropriations Committee. Last week I was visiting with some Senators and an Ambassador. We had dinner at the home of an ambassador from a country who greatly admires the United States. He was saying how much he envies this great tribunal—the Senate, and how other countries in the world envy it, and how it is the only tribunal like this anywhere in the world that is set up to have extended debate on important issues until we reach a consensus and stop debate and come to a result.

That is the history of the civil rights bill, the Medicare bill, and the student loan bill last year, and bills even more recently than that.

What that means in very simple terms is that the majority decides what we are going to talk about, the minority decides what amendments it would like to offer, and we keep talking and keep talking until it is time to cut off debate and try to come to a result. That is what we should be doing.

I would respectfully say that this business of not being willing to vote on amendments because it might hurt some individual Senator is not really worthy of the Senate. It is not practical, and it really doesn't make that much difference in campaigns.

The idea that only 9 Republican amendments have received votes out of more than 800 amendments offered since last July is probably a record in the Senate. What is even worse is that—according to the Senator from Wyoming, who has counted these—there were only 7 Democratic amendments voted on out of nearly 700 offered since last July.

Now, why are we here if we are not here to speak on behalf of our constituents about Benghazi, about the new health care law, about whether we need a college rating system from Washington, DC, about fixing No Child Left Behind?

I remember in Senator Byrd's book he talked about the Panama Canal Treaty that he and Senator Baker marshaled through. It took 67 votes—a very divisive issue. He said: We allowed nearly 200 amendments, reservations, and other codicils to the amendments, and we killed them all. We beat them

all. But, he said: We never would have gotten the treaty ratified if we hadn't allowed Senators to have their say.

So we have gotten to this level of distrust between that side and this side. And most of us are trying over here to say: All we want is an opportunity to have amendments offered in the regular order, a chance to debate them and a chance to vote on them, and if we are defeated, so be it. To impose a gag rule on us imposes a gag rule on the people who sent us here. This morning in the Appropriations Committee, that gag rule moved from the Senate floor to the Appropriations Committee.

If the Republicans were in charge of the Senate, the Democrats wouldn't put up with that. I don't know why they are putting up with it today.

I know there is distrust on both sides. But we are very close to a situation where we have three major appropriations bills which are on the floor. We have a disagreement only about whether all amendments ought to require 60 votes. That has not been the norm before. We should be able to work that out and use our time to represent the people of the United States so that ambassador, when he has another group of Senators out there, can say: You belong to the tribunal that is unique in the world that every country in the world wishes it had, because it is a forum—the only one in the world of this kind—where you have extended debate on major issues until you get a consensus and come to a result.

That is the only way to govern a complex country like the country that is the United States of America. We are getting back toward that, and I hope that our leaders and our Appropriations Committee members can make the next few steps and let us all go to work like we aim to do.

We have some pretty talented people here. We have Rhodes Scholars and former Governors and people who have been here a long time and people who have been here a short time. It is not easy to get here, and it is not easy to stay here. So while we are here, we would like to work—which means we would like to speak, have our say, vote, and, if we can, get a result.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, my friend from Tennessee is a fine man. He has been a good Senator, a good member of a President's cabinet, and he really has tried to be a peacemaker all the time I have known him. But his speech that he just gave could be given by any Democrat about the obstruction, the delay, the diversions that have taken place during the entire time President Obama has been President.

We have never had to file cloture on every motion to proceed as we did on this one, as we have done on everything that comes along.

So we can talk about where we have been, but I think we should talk about

where we are. Everyone knows that, because of the Republicans, there has been a threshold of 60 votes.

But I say to my friend from Tennessee: I asked for my consent agreement. He says we are very close. With his skills of negotiating compromises, I am willing to listen to something else if he has a better idea to change the McConnell 60-vote threshold rule. I have some ideas myself, but perhaps they should come from him. I, on behalf of my caucus, am entirely agreeable to listen to any reasonable counteroffer.

We have been trying really hard to get things done, but every step we take is a stalling tactic. My friend talked about ambassadors. I don't know the exact count—I haven't gotten it for a day or two—but the last count I had, 54 foreign ambassadors were held up. The continent of Africa, up to a third of the countries there do not have a U.S. ambassador. That doesn't count the scores of other people who are being held up. Why are they being held up? They are being held up because we are now able to move judges. Ambassadors related to judges is nearly empty. We have a few district court judges, and we have a circuit court judge. They will report some more out. But in an effort to—use whatever term you want—"We will show you guys. You are going to get your judges, and we are not going to give you any other nominations." So we are working through those very slowly.

As much as I care and respect the Senator from Tennessee, he does not need to lecture me about stalling around here. We are not. If they want to beat the record of eight or nine amendments—however many it is—move this bill. They will have lots of amendments. And we can start doing that this afternoon.

So, Madam President, I repeat now for the third time: If my friend from Tennessee has a better idea on moving forward—he says we are so close—I am willing to listen to him.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I want to say to my friend from Tennessee that the majority leader has offered a way forward, and he has taken a page out of the book of the Republican leader, and he quoted him, and I have those quotes here: "Matters of controversy always require 60 votes." And my friend knows. He knows.

I stand here as the chairman of the Environment and Public Works Committee. I am so grateful I have moved some bills through here—highway bills, water bills—but my friend knows that the two big amendments that his side wants to offer don't deal with ordinary matters. They deal with matters that have jurisdiction in the environment committee, and they deal with a repeal of parts of the Clean Air Act and a repeal of parts of the Clean Water Act.

So my friend wants to move forward. I am sure he would agree that to repeal

parts of landmark laws on an appropriations bill is legislating on appropriations and ought to require 60 votes. It is wrong.

Now, I would say to my friend, why is the other side so determined to repeal two laws—one dealing with the Clean Water Act and the Safe Drinking Water Act, and then the other one is this Clean Air Act—why are my friends on the other side continuing to go against these landmark laws—which, by the way, were signed into law by a Republican President? He has to explain, because I don't understand why people want to put children at risk and families at risk, pollute our rivers and streams, and suspend a plan that the President has announced is going to save thousands of lives, going after carbon pollution, making sure we don't go back to the days of smog and ozone. And we know these are the riders that my Republican friends want to offer. There is no secret.

The Republican leader defined the 60-vote threshold for controversial amendments. I can assure my friend that if there was a tweak or two that was going to be made and Senator MIKULSKI and Senator SHELBY agreed with it, I would not demand 60 votes.

We are talking about repealing basic, important landmark provisions of environmental laws, and that is exactly what this is about.

Ms. MIKULSKI. Will the gentlelady yield for a question?

Mrs. BOXER. I would be happy to yield, yes.

Ms. MIKULSKI. Because I was listening to what she said, Senator REID proposed a 60-vote threshold on amendments to our appropriations bill. It was rejected. OK. The Senator said now she wouldn't object—

Mrs. BOXER. To a 60-vote threshold, no.

Ms. MIKULSKI. On all amendments? Could the Senator clarify?

Mrs. BOXER. Yes. I would say—

Ms. MIKULSKI. In other words, the Senator does want a 60-vote threshold or is it—

Mrs. BOXER. I would go with the Mitch McConnell rule, which he has stated seven times, which is that on controversial amendments we have to have 60 votes. I am not going to stand here—

Ms. MIKULSKI. So the Senator would want—

Mrs. BOXER. I just want to answer my friend.

Ms. MIKULSKI. Sure.

Mrs. BOXER. My friend said we are trying to spare people tough votes. That is ridiculous. Members on your side, Members on our side—we are grownup Senators. We know how to win elections, cast tough votes. I want to protect the American people, and so do a lot of folks on our side of the aisle. And we don't want to see majority rule to repeal landmark environmental laws. We are not going to stand for it, and neither would the minority leader in the way he describes it. He said over

and over that on amendments of controversy we have to have a 60-vote threshold.

So my friend, if he is sincere about this—he is sincere about this. But if the two chairmen can come up with a plan where amendments like this, controversial amendments, require 60 but amendments that both sides feel are not controversial can go to a voice vote, I will be a happy person. I have gotten bills through here before. I wasn't born yesterday, as you can probably tell, and we know a controversial amendment from a noncontroversial amendment.

So I will close with this: I know my friend Senator MIKULSKI is an incredible chairman, and with RICHARD SHELBY working with her, they are quite the duo. And I have seen their work—because every single Member cares about the work they do—and it is stellar. But I am not going to sit here and see amendments come to the floor that would repeal clean air, clean water, safe drinking water, and just nod approval and say: Oh yeah, just take it away. No big deal. That is it.

And that is why I feel the majority leader was right when he said let's move forward with a 60-vote threshold. That makes a lot of sense. I am sorry the Republicans objected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that I be permitted to continue and finish my remarks.

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

Mr. HATCH. Madam President, I have been really interested in this debate. Let's just be honest about it. The Senate is being run in a shoddy fashion. I don't care which side you are on. I have only been here 38 years, and I have never seen a bigger mess than we have right now. I have never seen the majority stifling amendments by the minority like we have right now. I have never seen cloture filed almost immediately when a bill is brought up, like we are filibustering when we are not. All we want are amendments and to have a vote up or down—something we always gave the Democrats on crucial bills like this one. It is pathetic, and it has to change.

Frankly, if the American people really knew—we have had nine amendments since last July that we voted on. The Democrats have had only seven. Now, even some of my Democratic friends are up in arms about it. They are not able to act as Senators. They are not able to do the work. They are not able to be part of it. I mean, my gosh, is protecting your side from the election—is that more important than having the Senate run the way it should? The answer to that is a resounding no.

This is pathetic. I have never seen anything like it. To come out here and act holier-than-thou about it, as if it is just normal around here, is just plain

wrong, and everybody knows it. That is the thing that just kills me.

If we were doing that, if we were in the majority, my gosh, the whole world would be coming down on us, especially with the beloved media we have in this country—and rightly so if we were pulling the kinds of the stunts that are being pulled on the Democratic side.

Look, I am tired of it. I know Democrats who are tired of it. Every Republican is tired of it. We are being treated as though we don't count in this battle—in this battle between the two parties in the Senate. It doesn't have to be a battle every time. Both sides have been wrong from time to time but nothing like this. This is pathetic.

#### IRS INVESTIGATION

Madam President, about a year ago the American people learned that the IRS—one of the most feared and powerful agencies in our government—had engaged in political targeting. There is no doubt about that. Specifically, we learned that the IRS had, by its own admissions, singled out individual conservative groups applying for tax-exempt status for harassment and extra scrutiny during the runup to the 2010 and 2012 elections, and the IRS admits it—at least some in the IRS admit it. Needless to say, the American people were outraged when this news became public, and the IRS's credibility was seriously damaged.

We saw numerous groups and individuals come forward to acknowledge that they had been targeted. Politicians across the political spectrum, including the President of the United States, condemned these actions and vowed to get to the bottom of it.

In the many months since the targeting scandal was revealed, I have said numerous times that the most important objective for the IRS and its leadership consisted of repairing its reputation with the American people. For a while there, it appeared as though the agency was serious about doing that. Sadly, over the last few days a new chapter in this scandal has been opened, and as a result the IRS's credibility has taken yet another serious hit.

For more than a year the Senate Finance Committee has been engaged in a bipartisan investigation into the targeting scandal. During most of that time we were under the impression that the IRS was acting in relative good faith to cooperate with our inquiry. As of last week we believed we were close to completing our investigation. We had prepared the bipartisan majority report and the majority and minority views in addition. We were about ready to come out with that. The facts, we believed, were coming together. Then, in what I thought would be one of the last steps in the investigation, I insisted that we send a letter to IRS Commissioner John Koskinen demanding that he formally certify that the agency had produced