

The nomination was confirmed.

VOTE ON DAVENPORT NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judith M. Davenport, of Pennsylvania, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2020?

The nomination was confirmed.

VOTE ON ARROYO NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David J. Arroyo, of New York, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2016?

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 actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

BANK ON STUDENTS EMERGENCY LOAN REFINANCING ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Florida.

RADZANOWSKI CONFIRMATION

Mr. NELSON. Madam President, first of all, I thank the Senate for confirming the nominee for Chief Financial Officer of NASA, David Radzanowski. Now the team is fairly complete over there, and we can move to the next phase.

As we move to the next phase, as we are getting ready to test the capsule called Orion that will ultimately be part of the vehicle that will take us to Mars in the decade of the 2030s, the rocket itself is being readied and its final design will be tested on a test stand in Mississippi at the Stennis Center in the next couple of years. So we are well on the way for NASA being able to get out and explore the cosmos beyond low Earth orbit.

As you know, we have an International Space Station that is 120 yards long. Think of a football field from one goalpost to the other, that is how big it is. There are six humans up there. We rotate the crews out with the Russians and with the Europeans and in some cases we have had Japanese astronauts, so it is an International Space Station with an international crew. I thank the Senate for the confirmation today.

ISIS

Madam President, I am here to speak about the threat to America by ISIS. Every one of us has seen how brutal, how inhumane, how savage this group is. It was certainly brought home by

the killing—the beheading—of the two journalists, one of them from my State of Florida.

I would invite anyone to go on the Internet to see the images of what this group has done to others, just because someone has a different religious faith, in this particular case the Christians near Sinjar Mountain. You should see the photographs. Maybe you don't want to see the photographs of the infants they have beheaded because their parents are of a different faith.

You should see the photographs of the women whom they are slitting their throats and letting their lifeblood drain into a basin bowl as they hold down the women. This is the savagery. That is why the President so appropriately, eloquently, very directly and very firmly last night spoke about he is using his constitutional power as Commander in Chief to go after them. The President also said he wants the support of Congress.

It is true the President—in this Senator's opinion—has the authority to strike, but as he clearly reminded us last night, this is not a short-term deal. This is going to be a long-term and involved effort. So the Congress should register its support of the authorization to use military force. That is what we can do as we get into the debate of should that force be limited.

I have filed one version. I have no pride of authorship. I want it to be debated. I have suggested there would be the ability to use all the defense force except rotational ground forces, which is the term of art in the Department of Defense meaning big ground armies. That is what the President wants to avoid when he talks about boots on the ground, that he doesn't want that. That is what the American people do not want, and that is what this Senator does not want.

But we certainly don't want to handcuff the Department of Defense and our military in carrying out the successful objective of being able to go after and help eliminate this savage beast called ISIS or ISIL or as they characterize themselves, the Islamic State.

Today Secretary Kerry is in the Middle East. He is working on the coalition. Secretary of Defense Chuck Hagel is making phone calls. Last week at the summit—the NATO summit—along with the President, he was already talking with his counterparts there. They are knitting together the coalition that will be a coalition not only of NATO but a coalition of so many in the region, including, we hope, a lot in the Arab League.

So isn't it time we know this effort that is hugely supported by the American people—isn't it time for the Congress to register our approval by exercising our constitutional duty? I would suggest it is.

I know some of the hearings are starting next week. Later this afternoon the Senate will have a classified briefing on the threat of ISIS. Many of us have already had a number of those

briefings and know this is a threat like we have not faced before—not only because of the savagery but also the fact that they are well organized, they have a jihadist mission, and they are well funded.

Part of our effort as we reach out to our coalition is to get them to stop the avenues of funding that is going in to this organization.

I will close by saying that for the Congress to register our support, by the support of this type of legislation, is to show our allies and the world—not only to show the unity of America behind this effort, both clandestine and overtly military—but also to show our enemies the unity of America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONSTITUTIONAL AMENDMENT

Mr. SCHUMER. Madam President, I rise to speak to regret that the constitutional amendment proposed by Senator UDALL lost 54 to 42. Of course, a majority voted for it, but we need two-thirds for a constitutional amendment. I first want to thank Senator UDALL for his great leadership on this issue. As chairman of the rules committee and a member of the Judiciary Committee, I have worked with him on this, and I know his passion and dedication to straightening our country out, straightening our system of campaign finance out.

Second, I want to say this: We are going to keep fighting until we get this done. The only way really to cure the Supreme Court's misguided ruling, whether it is in Citizens United or McCutcheon, is with a constitutional amendment. Our day will come. We are not giving up.

When the Supreme Court issued its ruling in McCutcheon several months ago, it was another step on the path towards destruction of our system of campaign finance laws. First in Citizens United and then in McCutcheon, the Supreme Court has been chipping away at the actual foundation of our democracy that everyone is equal in the political arena. It just does not mean equal in terms of votes; it means that if you are a multimillionaire, you should not be allowed to drown out the messages of everybody else.

If Congress does not respond, our system is going to collapse. This year, the amount of independent expenditures from a small number of individuals will exceed the money spent by all the others. It is just amazing. We cannot have it. That is why Democrats will continue to fight for a constitutional amendment that would finally allow us to fight back and regulate the dark

money that is flooding our elections and threatening to take us back to the era of the robber barons. The Federal Government and the States should be allowed to pass laws that prevent unregulated sums of undisclosed money from pervading our elections.

This constitutional amendment would do just that. Unfortunately, our colleagues on the other side of the aisle do not see it that way. They have argued that the amendment would curtail freedom of speech. The Republican leader said in an op-ed earlier this week that Democrats are trying to take an eraser to the First Amendment.

Well, he is dead wrong. All Democrats are trying to erase is the hundreds of millions dollars—undisclosed—that are tainting our elections, whether they are coming from the Koch brothers or George Soros or Tom Steyer. All of them should not be allowed to have such huge influence.

Many other Republicans have portrayed this sensible amendment as an unparalleled attack on the First Amendment, which, they seem to argue, is absolute. I would say, for instance, to the Senator from Texas and my Republican friends that no amendment is absolute.

You cannot yell “fire” in a crowded theater. Child pornography is illegal. We have libel laws. These are all sensible limits to the First Amendment.

This amendment is similarly a sensible amendment. It creates balance. Every amendment—and the Founding Fathers, when they created the Bill of Rights, and the States, when they ratified them, realized that “balance” is a watchword. We believe in the right to buy arms, but people shouldn’t be allowed to buy a tank and ride down the street in it. We believe in all of the amendments, but none should be stretched to ridiculous extremes, which any law can be.

This amendment would go a long way to restoring fairness and credibility to a system of campaign laws that the Supreme Court has ripped to shreds over the past years.

I don’t know if these Supreme Court Justices know the harm they are doing to our system in their abstract view that limiting many kinds of campaign finance violates the First Amendment, but I wish they could be on the ground and see the harm they are doing.

Simply put, unregulated dark money is poisoning our elections, and this amendment is the antidote. The American people want us to change the way elections are financed in this country not just for the sake of the system itself but because the current system results in a Congress that fails to do what average folks—the middle class—want it to do. Democrats want to raise the minimum wage, but the Koch brothers spend millions electing candidates who oppose it. Democrats want equal pay for equal work, but shadowy billionaires and corporate interests funnel millions to the campaigns of candidates who would block it.

We have to have fair elections in order to give the middle class a fair shot. And on the amendment the Presiding Officer has so valiantly sponsored, all we want to say is if you are a multimillionaire, you ought to pay taxes at the same rate as everyone else and use the money we gain to help make it easier for everyone to afford college and pay their college debts at a reasonable interest rate after they get out of college. But those who would be the small number who would be hurt by this have a few clarion voices who have billions of dollars who spend the money and prevent candidates who believe in this view—which most Americans believe in—from getting elected.

We have to have fair elections in order to give the middle class a fair shot. We hope our Republican colleagues will drop their objections and work with us to restore some semblance of fairness to our electoral system.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

HAMAS

Mr. REID. Madam President, much has been said about the terrorist group ISIS in the past few days—and rightfully so. ISIS is a vile mob of fanatics whose butchery knows no bounds. I am confident President Obama’s targeted action will degrade and destroy this menace.

But there is another evil organization in the world today that, like ISIS, has zero regard for humanity. They are kidnappers and executioners. They are violent extremists who murder innocent civilians. They are terrorists who cower behind women and children, even using them as human shields. They are saboteurs of peace and provocateurs of bloody conflict who will not stop their butchery. Once again, I am not talking about the Islamic State of Iraq; I am talking about Hamas.

Hamas and ISIS are both vicious, corrupt, hateful, evil groups. Both are extreme, outrageous, irrational, excessive, harsh, and radical. Yet for some reason Hamas’s brutality doesn’t elicit the same horror in the international community as ISIS. How can that be?

One of the few differences between these two terrorist organizations is that Hamas has a narrow, ghastly focus: the destruction of the State of Israel. Consider its actions over the past few months.

Hamas raided its own limited supplies for housing and general infrastructure, intended to repair the destruction that occurred during the last conflict they initiated. Hamas instead used the stolen materials to build tunnels to hide and infiltrate Israel—infil-

trating to kill, maim, kidnap, and murder the innocent.

These depraved agitators launched thousands of rockets into Israel, hoping to inflict death and destruction. Their rockets had no aiming devices, no aiming capabilities. They fired indiscriminately, not caring whether they hit a child, a family, a school, or a place of worship. It begs the question: Without specific targets, why fire the rockets into Israel? We know why—provocation. Hamas knew Israel would be forced to defend itself, and, of course, that is what the Israelis did. Israel responded as any nation would to such attacks against its nation—by trying to protect its people. And what did Hamas do? They had such little regard for the people of Gaza that they used their own as human shields. Hamas used Palestinians as shields to carry out a sinister ploy, hoping they and their apologists could dupe the world into blaming Israel.

David Brooks, a distinguished columnist, said 2 months ago on PBS’s “NewsHour,” referring to Hamas:

It’s a rare moment in military history where a party rejects a cease-fire in order to get more of their own people killed. But that’s part of the strategy.

When Hamas wasn’t scheming for more Palestinian fatalities to blame on Israel, it was carrying out more public executions of Gaza residents. For example, this is an article from the Wall Street Journal: “Alleged Collaborators With Israel Killed in Gaza. Deaths Follow Israel’s Targeted Killing of Three Top Hamas Military Commanders.”

Hamas executed 18 people on Friday, some of them in the streets of Gaza City in the middle of the day, after accusing them of collaborating with Israel, according to media linked to the Islamic group, which rules the Gaza Strip.

In one instance, about 20 militants dressed in black and with their faces covered brought six of the condemned men, their heads covered with cloth bags, to an alley near the Great Omari Mosque in Gaza City after midday prayers, witnesses said. A militant shot the men in the head one at a time with a pistol, after which he sprayed them with automatic rifle fire, the witnesses said. The bodies were loaded into government ambulances and taken away.

These are the fanatics Israel faces every day, terrorist organizations as violent and extreme as any other on the face of the planet, as indicated by this Wall Street Journal article I just read.

There are those who refuse to condemn Hamas as they would ISIS. The hypocrisy is stunning. Those who reject tyranny, corruption, and terrorism should denounce Hamas. All those who honor peace and sovereignty should stand for Israel.

I stand with Israel. The United States of America stands with Israel. President Barack Obama and Congress continue to affirm America’s unshakeable bond with Israel and our strong support for the security and safety of its people.

For my part, I will continue to do all I can to support Israel's right to self-defense. I know my colleagues join me in supporting the State of Israel and condemning Hamas for the depraved, horrid, repugnant terrorist organization that it is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

ISIS

Mr. MURPHY. Madam President, I haven't watched the gruesome videos of the beheadings of James Foley and Steven Sotloff, and I have no plans to do so. I don't think I need to do so in order to understand the brutality of ISIS and the threat this radical movement poses to our partners in the Middle East and Europe—and ultimately to the United States' national security interests.

As we stand here in the Capitol today with the flags at half-mast in remembrance of the 9/11 attacks, I think we all understand that we can't just ignore this crisis and hope that it passes. The risks are too high. ISIS presents a new and unique threat to global stability, and it must be met with a robust global response. Whether we like it or not, in today's world of decentralized power, it is still up to the United States to lead this effort.

Last night the President of the United States laid out a strong and compelling case for taking the fight to ISIS. I wholeheartedly agree with the imperative for action he outlined. ISIS represents a serious threat, and we would betray our bond of trust with the world if we ignored it simply because of a wariness here at home with protracted military engagements abroad.

So for me the question is not if or whether we should confront ISIS. Rather, it is about the most effective way to go about this important task, and it is about making sure this debate happens in the proper context.

Americans today, more than ever, feel like they have lost control of their lives, of their ability to feel financially and economically and even physically secure. These videos and reports of ISIS's unconscionable brutality add to this feeling of insecurity, and they invoke rage—justifiable, appropriate rage—about those who would carry out such acts.

In this case this fear and anger we feel about ISIS's actions is complemented by the legitimate threat this group poses. So we shouldn't hesitate to act simply because our desire to do so is fueled by the intense emotion this enemy engenders in us. But our response—the details of our strategy—cannot be dictated by these impulses.

Our plan of attack against ISIS needs to be well thought out, nuanced, not rushed into because we feel an emotional compulsion to do something—anything—right now. We made that mistake in the past as a nation, and we shouldn't misstep again. We certainly shouldn't allow election-year politics to play into our calculations.

This is a debate about ISIS, but it is also a debate about how we are going to meet a potential plethora of anti-Western extremist groups that are organized and will organize against us throughout the world. We are creating a precedent for action, and we shouldn't rush into war simply because we feel pressured to get something done before an election.

As the President noted last night—and it is important to repeat—ISIS today does not have imminent plans to attack the United States. That doesn't diminish the necessity of taking them on. It simply means that we don't need to engage in a panicked response.

So today I will lay out four principles that I believe should serve as the foundation for action against ISIS.

First, our strategy needs to be guided by the recognition that ISIS's power comes in the first instance from a political vacuum in Iraq and Syria, and, second, from a military vacuum. Any strategy must lead with economic and political tactics to undermine ISIS's legitimacy, using military power as a tool to create the space for those efforts.

We can't defeat an ideology of extremism with an air campaign. Bombs and drone strikes will not help win the hearts and minds of Sunnis who currently feel disenfranchised or ostracized by the Iraqi Government. As with any conflict, the real solution has to come from the people of the region. Elements of Iraq's Sunni population will continue to support radical Islamic insurgents—or, at best, just passively allow them to operate—as long as they see no future for them in their country.

So I applaud President Obama for making the centerpiece of his speech last night a call for continued efforts to create a truly inclusive political process in Iraq. The new Prime Minister has a difficult road ahead, and both Congress and our regional partners should do our part to support this tough political work.

For instance, as a complement to new military funding for operations in the Middle East, we should be debating funding a surge for political and economic work in the region. If we are going to spend hundreds of millions of dollars dropping bombs inside Iraq, we and our allies should commit to double that amount to support political efforts to empower moderates in the region.

Second, we will fail if we do not unite Shiite and Sunni nations in the region behind a military plan to confront ISIS.

I agree with the President that in the short term the United States is going to need to step up its military operations in Iraq, and I cannot disagree with the President that there may be limited imperatives to use the Air Force inside Syria should we have intelligence that ISIS there poses a threat to the United States. But any military campaign has to be fully

cloaked in the legitimacy of a true regional coalition with Sunni partners front and center.

Further, it is clear that ISIS is getting funding and a flow of equipment and recruits from countries in the region. We need to turn off this spigot immediately. We need to hear from our partners in the region that ISIS does not truly represent Islam, that they do not condone the slaughter and rape of other innocent Muslims, Christians or Yazidis, for that matter. The United States needs to lead the effort to combat ISIS, but we must do so as part of a broad international coalition.

Third, a strategy to confront ISIS does not require America to become fully and overtly enmeshed in the increasingly complicated civil war in Syria. Over the last 2 years I have consistently opposed arming and training the Syrian rebels. Since the last time Congress debated this subject, the prospect that this intervention could be counterproductive to our national security interests has only increased. To begin with, it will be very difficult to thread the needle of supporting a Shiite regime against a Sunni insurgency in Iraq while at the same time supporting a Sunni insurgency against a Shiite regime in Syria. That inconsistency is going to make it difficult to put together lasting regional coalitions.

More importantly, it is increasingly impossible to sort out the so-called vetted moderate rebels from the truly bad rebels. All of our focus on ISIS over the past months has diverted our attention from the fact that, increasingly, some moderate Syrian rebels are openly collaborating with Jabhat al-Nusra, a wing of Al Qaeda, inside Syria, and there are even reports that ISIS itself is working with elements of the moderate rebels.

Our goal would be to support the rebels and simultaneously defeat ISIS and Assad. But the very real possibility exists that the rebels could align with ISIS to defeat Assad or our military campaign against ISIS allows Assad to prevail. Both are plausible and unacceptable options.

I want ISIS defeated in Syria. I want Bashar Al-Assad to pay for his crimes against humanity. But too much can go wrong for not enough possible gain for the U.S. to increase our involvement in the Syrian civil war—if necessary, using limited counterterrorism measures to attack ISIS in Syria, but leave the civil war inside Syria to parties that, whether we like it or not, have much more at stake in the fight than we do.

This brings me to my fourth point. All of this should be done with congressional authorization. There is no viable excuse for Congress to abdicate its constitutional responsibility to authorize war.

President Obama finished his speech last night with a spectacular charge to the American people, and few can disagree with it: America is exceptional.

We continue to stand as a symbol and a beacon of freedom and democracy to the world. Because of that standard that we bear, we should respect the version of democracy that our Founding Fathers granted to us by having a debate in Congress about the policy that the President has proposed.

Respectfully, I disagree that the authorization for military force passed in the days following September 11 grants the President the power to conduct an open-ended, long-term war against ISIS. If that were to be the case, then there is absolutely no congressional check upon the Executive's power to open military fronts against extremist groups anywhere in the world at any time.

The 9/11 AUMF was not intended to be perpetual, but it would transform into a permanent, easily manipulated authorization if we interpret it to cover ISIS, a group that specifically disavows an association with the only named group in the 9/11 AUMF.

Frankly, I believe a well-crafted, limited authorization of military force against ISIS could pass the Congress. I also believe the Constitution requires us to find out if it can.

I commend the President for having the courage to refuse to rush to rash judgment. We need to build a strategy that uses military action as a complement to political reform—not the other way around. We need to build a real sustainable regional coalition to support any military action, with Sunni nations as the lead. We need to recognize the limits of American power and stay out of the Syrian civil war. And we need to unite the Nation by a congressional authorization of a sound plan to take on ISIS.

I am glad my Commander in Chief made his case last night, understanding the foreign policy mistakes of the past decade and with a willingness to learn from them. I am confident that if we get this strategy right, the American people will stand squarely with him as we fight back against an enemy like few we have ever faced before.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENT REQUEST—S. 2199

Ms. AYOTTE. Madam President, I ask unanimous consent that when the Senate resumes consideration of S. 2199 it be in order for my amendment No. 3808 to be called up.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut

Mr. MURPHY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I know that in just offering the amendment I sought to offer on the Senate floor I have received an objection. Let me briefly describe what I am trying to offer. The objection that I just received from the other side of the aisle is a

demonstration of what is wrong in the Senate right now.

What is happening in the Senate right now is the majority leader keeps bringing legislation to the floor, and people are not allowed to offer amendments that directly pertain to the legislation.

In fact, right now pending on the Senate floor is the so-called Paycheck Fairness Act. I have an amendment I want to offer on the Senate floor to that act that deals with addressing pay discrimination, but I am not going to be allowed to offer that amendment.

I guess the first question we have to ask is: Why is that? Why is it that when we have such an important issue, which I acknowledge is an important issue—that people in this country be treated fairly, that we be paid solely based on our experience and qualifications, that we eliminate discrimination in the workplace; something I would hope we could work together on and about which we could have a real debate on this Senate floor—if someone comes to the floor and offers an amendment, what we get is an objection, because, really, what we are doing right now on the floor—let's be clear about it—is a political charade. It is trying to score political points on an issue that is very important that we shouldn't be sitting here trying to score political points on.

Why can't both sides of the aisle offer their amendments on ideas on how to eliminate discrimination in the workplace? It seems to me that if they are serious about the issue, the majority leader would allow individuals like me and other Senators on both sides of the aisle to come to the floor and offer their amendments. But we have just seen that when I have done that, I got an objection instead of allowing my amendment to be debated fully on this floor.

All Americans should be treated fairly and paid solely based on their experience and qualifications, and discrimination has no place in the American workforce.

There are important laws we have passed on a bipartisan basis in the Congress. Laws like the Equal Pay Act and title VII of the Civil Rights Act are there to combat workplace discrimination. Title VII of the Civil Rights Act of 1964 became the first Federal law designed to protect U.S. workers from employment discrimination based upon a person's sex.

The Equal Pay Act of 1963 requires employers to pay female employees the same wages that they pay male employees for equal work—very important laws.

Both title VII and the Equal Pay Act provide a way for those who are discriminated against to file complaints against their employers and pursue financial remedies if they are discriminated against in the workplace. Our focus, of course, always needs to be on enforcing those important laws that were passed by the Congress to ensure

that both men and women in the workplace will be judged based on their performance and not based on their gender.

Unfortunately, despite these laws there are instances where pay discrimination still exists. With 60 percent of women serving as the primary earners in their households, this disparity must be addressed, and this is an important issue. But the so-called Paycheck Fairness Act that is pending on the floor, in my view, is not the answer. Instead of ensuring that women are treated fairly, the Paycheck Fairness Act would limit the ability of women in some instances to have flexible work schedules if that is what they need, and it would make it easier—much easier—to file frivolous lawsuits that, frankly, are a boon to trial lawyers. One concern I have about the bill pending on the floor—and I think it is a legitimate concern—is that it could have an impact on reducing the ability of employers to award merit pay.

I had the privilege of serving as the first woman attorney general in New Hampshire, and before that I worked in private practice in a law firm. In my position and in the work I have done throughout my life, I have had the opportunity to meet incredible women in all fields in New Hampshire and throughout this country, whether it is leaders in the health sector, in the business sector—women working very hard every day in this country. There are many instances, I have to tell you, where women, based on merit, have outperformed their male colleagues. So what we don't want to do is create a law and pass a law that actually reduces the opportunities for employers in the workplace to reward merit, because women—like men—want the opportunity to earn more than their male counterparts when we do a better job.

We had this debate last April on the Senate floor, and when we had this debate on the Senate floor we experienced what we are experiencing right now. Paycheck fairness was brought to the floor and, in fact, I worked on an amendment with some of my colleagues—Senator FISCHER, Senator COLLINS, and Senator MURKOWSKI. We offered an amendment that we thought would help address the discrimination that can occur in the workplace and to address retaliation when employees discuss the salaries they make so that they can become informed in the workplace. But when we offered that amendment in April, we were denied a vote on it. We were in the same situation we are now.

So it is like “Groundhog Day.” The Senate rejected the bill pending in April, and we were denied all amendments and the ability to really debate and amend it and have a real discussion about this important issue. Here we are again leading into the November elections, and again the bill is on the floor, and again Senators like me who have offered an amendment that I hoped we could discuss and consider

are going to be denied the ability to do so.

When I came to this floor in April, when this bill was pending on the Senate floor before, I said then and I firmly believe it now: If the majority leader believes this is an important issue, then we should have a real debate and an open amendment process and not engage in a political charade. I think the American people deserve better.

In New Hampshire, Republicans and Democrats actually got together and they were able to pass a bipartisan pay equity law which was signed into law in July. It is a commonsense measure that helps address wage disparities between men and women, and that law was the basis for the proposed amendment which I have just tried to offer on the Senate floor so that the Senate could consider some of the very good ideas that were worked through on a bipartisan basis in my State as a way to address discrimination in the workforce.

This amendment that I have filed—but that I am not being permitted to offer—is modeled on New Hampshire's law and, again, it was bipartisan. In fact, the amendment that I have offered is called the Ensuring Fairness in Pay Act. It would make clear that employers have to pay men and women equal wages for equal work. It ensures equal pay for workers performing equal work under similar conditions regardless of sex. In fact, it also prohibits retaliation against employees who discuss their pay information and prohibits employers from requiring employees to sign a contract or a waiver that prohibits the employees from disclosing their pay. This would allow employees to know what their situation is so they can ensure that they are being treated fairly.

What was passed in New Hampshire—my amendment here—also contains teeth. In fact, similar to New Hampshire's law, my amendment would impose a \$2,500 penalty for any violation of this law and for pay discrimination. So putting teeth in it is important as well. We did that at the State level, and I thought we should consider doing this at the Federal level if my amendment could be considered by this body.

It also requires employers to post a notice that sets forth excerpts or summaries of the pertinent provisions of what is the law—title VII of the Civil Rights Act of 1964—and information pertinent to how you file a complaint if you feel you are subject to discrimination in the workforce.

Finally, my amendment encourages States to provide pay disparity statistics including historical analysis and any information that would help the public understand and address this issue.

I urge the majority leader to put politics aside so that we can work together on a bipartisan solution, just as New Hampshire was able to do. In my home State of New Hampshire, when there is an amendment offered, you ac-

tually will get a vote on it. I think we are doing a real disservice to the American people, regardless of what the issue is, that Senators on both sides of the aisle when they are offering an amendment aren't permitted to have a vote on it on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that it be in order to proceed to the Baran and Burns nominations reported out of the Environment and Public Works Committee earlier today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JEFFERY MARTIN BARAN TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

Mr. REID. Madam President, I move to proceed to executive session to consider Calendar No. 1003.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2015.

CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk I ask to be reported.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeffery Martin Baran, of Virginia, to be a Member of the Nuclear Regulatory Commission.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Barbara A. Mikulski, Richard J. Durbin, Mazie Hirono, Robert P. Casey, Jr., Christopher A. Coons, Sheldon Whitehouse, Tom Udall, Edward J. Markey, Sherrod Brown, Tim Kaine, Bernard Sanders, Jeff Merkley, Cory A. Booker, Thomas R. Carper.

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

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

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate proceed to legislative session.

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

EXECUTIVE SESSION

NOMINATION OF STEPHEN G. BURNS TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION

Mr. REID. I now move to proceed to executive session to consider Calendar No. 1004.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Stephen G. Burns, of Maryland, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2019.

CLOTURE MOTION

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

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Stephen G. Burns, of Maryland, to be a Member of the Nuclear Regulatory Commission.

Harry Reid, Barbara Boxer, Benjamin L. Cardin, Barbara A. Mikulski, Richard J. Durbin, Mazie K. Hirono, Robert P. Casey, Jr., Christopher A. Coons, Sheldon Whitehouse, Tom Udall, Edward J. Markey, Sherrod Brown, Tim Kaine, Bernard Sanders, Jeff Merkley, Cory A. Booker, Thomas R. Carper.

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

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

LEGISLATIVE SESSION

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

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

UNANIMOUS CONSENT AGREEMENT—S. 2199

Mr. REID. I ask unanimous consent that not withstanding rule XXII, the cloture vote with respect to S. 2199 occur at 5:30 p.m. Monday, September 15, 2014.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Monday, September 15, 2014,