

my constituents about our backyard because frankly, to put it in a nice way, they need more information because they don't know what they are talking about.

Most of my friends in the—this is understandable. We all understand our States and our regions. We know them better than other parts of the country that perhaps we haven't been to, but most of my colleagues—I get the impression that their knowledge of the border is from movies they have seen or novels they have read, not from the facts on the ground or studying statistics issued by the Border Patrol or the Department of Homeland Security.

There is a right way and a wrong way to do what the President is purporting to do. The right way to do it is in accordance with the Constitution which requires both Houses to pass legislation and try to reconcile those in a conference committee and then send them to the President.

There are regular negotiations taking place all along the way, but there are enough areas of consensus that I believe we can make true progress. We have not been able to do it through a comprehensive bill because I think there is enormous skepticism, not just about Washington but about Congress as well as about comprehensive bills having unintended consequences.

Take the Affordable Care Act. The President said: If you like what you have, you can keep it. Your prices will go down, not up. That ended up not being true. When that happens people are skeptical. What are they trying to sell us next? The best way to deal with that, it seems to me, is to break it down into smaller, transparent pieces, and then move the pieces across the floor in the House and the Senate, and let's get them to the President.

After we have done that one, two, three, four times, I think people will then say: Well, you know what we have just done is immigration reform in an incremental sort of way. It is not going to satisfy everybody. Again, if your demand is I want everything I want or I am not going to take anything, we know what happens when people lay down those sort of ultimatums. You get nothing.

While there are areas on the immigration topic, which admittedly is controversial, it is challenging, but it is our responsibility to address these challenges and these difficulties and do the very best job we can. The answer is not—and it can't be—a Presidential abuse of power.

As I pointed out earlier, when we try to do things on that basis, just like if we try to pass legislation on a purely partisan basis, it doesn't work. It is not sustainable. It is a provocation to the people who have been carved out of the process to try to do what they can to defend their role in the process, and that is what I worry about.

I remember being at a conference not that long ago when James Baker III and Joseph Calafato spoke. They

talked about the importance of bipartisanship. Not that I am ever going to get the Presiding Officer to agree with me on everything I believe and he is not going to agree with me on everything I believe, but they made the point when it comes to some of the most challenging topics, bipartisanship solutions are the only ones that are actually sustainable.

What happens is after the next election, the party that was pushed out of the process and run over then says, OK, we are going to try to repeal everything they did because we didn't vote for it and we don't support it. That commends itself to my way of thinking to a recommitment of bipartisan accomplishment. I am committed to that.

I know from talking to colleagues across the aisle that after 4 years of being shut out of the process themselves in the Senate, they are going to enjoy the new Congress come January because they will be able to participate in the process. If people have a good idea, they can come to the floor and talk about it. They can offer their idea and get a vote.

Nobody is guaranteed to win every time, but people should have a right to get a vote and to raise the profile of the issues they care most about and the people they work for care most about.

I wish the President wouldn't do this. It will not work. It is unconstitutional. It purports to exercise a power he himself said he does not have, but he seems determined to do it nonetheless.

I believe the American people will react negatively to this President's claim of authority to issue this amnesty, and I believe then the next step is for Congress to do everything we can to stop it and then to do it the right way, not the wrong way.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Texas.

Mr. CRUZ. Mr. President, the words of Cicero are powerfully relevant 2,077 years later: When, President Obama, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end to that unbridled audacity of yours, swaggering about as it does now? Do not the nightly guards placed on the border, do not the watches posted throughout the city, does not the alarm of the people and the union of all good men and women—does not the precaution taken of assembling the Senate in this most defensible place—do not the looks and countenances of this venerable body here present, have any effect upon you? Do you not feel that your plans are detected? Do you not see that your conspiracy is already arrested and rendered powerless by the knowledge that everyone here possesses of it? What is there that you did last night, what the night before—where is it that you were—who was there that you summoned to meet you—what design was there which was

adopted by you, with which you think that any one of us is unacquainted?

Shame on the age and on its lost principles. The Senate is aware of these things; the Senate sees them; and yet this man dictates by his pen and his phone. Dictates. Aye, he will not even come into the Senate. He will not take part in the public deliberations; he ignores every individual among us. We gallant men and women think that we are doing our duty to the Republic if we keep out of the way of his frenzied attacks.

You ought, President Obama, long ago to have been led to defeat by your own disdain for the people. That destruction which you have been long plotting ought to have already fallen. What shall we, who are the Senate, tolerate President Obama, openly desirous to destroy the Constitution and this Republic? For I passed over old instances, such as how the IRS plotted to silence American citizens.

There was once such virtue in this Republic that brave men and women would repress mischievous citizens with severe chastisement than the most bitter enemy. For we have a resolution of the Senate, a formidable and authoritative decree against you, Mr. President. The wisdom of the Republic is not at fault, nor the dignity of this Senatorial body. We, we alone—I say it openly—we, the Senate, are waiting in our duty to stop this lawless administration and its unconstitutional amnesty.

I yield the floor and 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. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL RURAL HEALTH DAY

Mr. GRASSLEY. Mr. President, I rise to recognize National Rural Health Day. I would like to take a moment to recognize our rural health care providers and all they do for this country.

Approximately 62 million Americans live in rural areas and they depend on an ever-shrinking number of health care providers. Rural providers play a very important role in improving the health of their communities and supporting local economies.

I thank our rural providers—individuals, hospitals, and clinics—for all they do. Rural providers support a population that makes invaluable contributions to this country through food production, manufacturing, and other vital industries.

Yet more people in rural areas are living below the poverty line than their urban counterparts. Rural hospitals are struggling to continue providing care due to declining payments, many exacerbated by the Affordable Care

Act. The past few years have been marked by increasing rural hospital closures, with 27 hospitals shutting their doors in the past 2 years.

The trend is concerning and deserves attention as many more facilities and communities are at risk. Once a hospital is gone, the devastating impact on the community cannot be undone. The economic impact is unmistakable.

The typical, critical access hospital creates over 140 jobs in primary employment and \$6.8 million in local wages while serving a population of over 14,000. When facilities close, the consequences of traveling great distances for medical care are much more than just mere inconvenience. The delays in obtaining care can mean the difference between life and death. According to the U.S. News & World Report, that was the case for an infant in Texas who choked on a grape and died after the only hospital in the county had closed just a few months before.

There are a number of similarly tragic stories, and they will continue to mount if we fail to take action.

In 1946, Congress recognized the importance of rural health care providers and worked to build the rural health care infrastructure that exists today. It is called the Hill-Burton Act. The country has changed dramatically since 1946 and thoughtful action to improve the distribution and capabilities of our rural health care system is overdue. We need to act now to support our rural providers and facilitate a responsible transition to a modernized health care system.

Rural America is facing what I would call an arbitrary attrition of providers. The hospital closures are a function of no specific design. It is all about balance sheets strained to the breaking point of continual payment cuts. It is not about where providers need to be to serve populations. We need to take a thoughtful look then at what the future of rural health care needs to be.

We need to be willing to consider bold steps to ensure that rural America has access to high-quality health care. Health care coverage, whether through private insurance, Medicare or Medicaid, without access to providers of that care is meaningless.

We need to put a stop to the arbitrary process now and work forward in designing a better, sustainable future for rural health care.

I close, once again, by thanking all of America's rural providers. I am committed to working with all stakeholders to transition to a better future and protect access to health care in America.

TAX EXTENDERS

I would like to speak about the tax extenders bill that is being worked on between the House and the Senate in an informal conference and to explain why I am concerned about the direction it might be taking, particularly as it relates to alternative energy and as it relates to wind energy tax production credit.

Here we are in another lameduck session of Congress, working to finish the business we failed to complete the previous year or two.

One of those critical pieces of legislation that must be enacted is a tax extender bill. It seems as though nearly every year in recent memory we have put off the extension of expired tax provisions until the very last minute.

In 2012 revision provisions remained expired for an entire year before we finally extended them in January of 2013. Similarly, the previous extension of prior provisions did not occur until the middle of December.

Now, once again, we find ourselves heading into the month of December with tax extenders having been expired for nearly 11 months, and there is a lot of uncertainty that causes a slowdown to the economy when people don't know what the tax provisions are.

This is no way to do business. Such late action by Congress results in complications during filing season for taxpayers. That is a big problem for the IRS. We need to do something right now. It is almost too late to get tax preparers to know what to do for the next tax season. Obviously, tax season is unpleasant enough without our adding to it by failing to do our job in a timely fashion.

Once again, we have created a lot of headaches and uncertainty for individuals and businesses. This uncertainty harms investment and business growth; in other words, slowing the economy, as I previously said. This is bad for economic growth and does nothing to create the jobs that can come when we have more certainty for people who invest in capital and want to provide jobs.

The lapse of renewable energy incentives has also created a lot of uncertainty and slowed growth in the renewable energy. This only serves to hamper the strides made toward a viable, self-sustainable renewal energy sector.

It didn't have to be this way. The Senate Finance Committee, under the leadership of Chairman WYDEN and Ranking Member HATCH, did its job. We marked up an extenders package in early April. The Senate never took up that package because the majority leader refused to allow Republicans to offer amendments. And it happens that even a couple of amendments that were going to be adopted had wide bipartisan support. Rather than consider and advance the Finance Committee bill, the majority leader shelved the extenders bill because of fear that Members of his party might have to take tough votes.

With the election behind us, it is now time to get to work and get the extenders bill done. I understand that negotiations are ongoing between the House and Senate on this issue. I am encouraged by reports of progress being made. However, I am concerned about rumors that some are working to leave out or shorten the extension of the wind energy tax credit.

I fought this issue in the Finance Committee when one of the Members on my side of the aisle tried to strike that provision. But we had a bipartisan vote of 18 to 5 to defeat that amendment that would have struck the wind production tax credit from the bill that is now before the Senate.

It seems as though opponents of wind energy have tried at every turn to undermine this industry, and so I am not surprised that we are at it again, even considering the 18-to-5 vote in the Finance Committee.

I agree the Tax Code has gotten too cluttered with too many special interest provisions. That is the reason many of us have been clamoring for tax reform for years now. But just because we haven't cleaned up the Tax Code in a very 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, the environment, and our national security.

I am glad to defend the wind energy production tax credit and continue to defend it. In fact, I can tell you that 22 years ago, when I first got this passed through the Congress to become law, I didn't think it would become the big thing it is. But there is a tremendous amount of energy being generated today by wind energy. Wind energy supports tens of thousands of American jobs. It has spurred billions in private investment in the United States, and it displaces more expensive and more polluting sources of energy.

More than 70 percent of U.S. wind turbines value is now produced in the United States, compared to just 25 percent prior to 2005.

Once again, 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. For example, the 100-year-old oil and gas industry continues to benefit from tax preferences that aren't generally throughout the economy for all businesses but only benefit their industry.

These are not general business tax provisions—I want to say that again—they are specific to oil and gas business. A few examples: Expensing for intangible drilling costs, deductions for tertiary injectants, percentage depletion for oilwells, special amortization for geological costs.

I am not going to find fault with that, but I will find fault with people who justify that, yet take on wind energy. These are four tax preferences for a single energy resulting in the loss of more than \$4 billion annually in tax revenue.

Nuclear energy is another great example. The first nuclear powerplant came online in the United States in 1958. That is 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,

which is going to be available until 2020. Nuclear also benefits from Price-Anderson Federal liability insurance that Congress provided. That was supposed to be a temporary measure in 1958, but this temporary measure has been renewed through 2025. Nuclear energy has also received \$74 billion of Federal research and development dollars since 1950.

Are those crony capitalist handouts? Well, nobody seems to be attacking them. Is it time to end the market distortions for nuclear power? Well, nobody is talking about that. But they are talking about wind energy.

We had a Cato study about nuclear energy that said:

In truth, nuclear power has never made economic sense and exists purely as a creature of government.

People are saying that about wind energy, but I don't hear the same people saying it about nuclear power.

I don't understand the argument that repealing a subsidy for oil and gas or nuclear energy production is a tax increase like the accusation against wind, while repealing an incentive on alternative or renewable energy is not a tax increase. So it is not intellectually honest.

As I said before, we have had wind incentives since 1992, and I am the father of that. I suppose now, after 22 years, you might say I am the grandfather of it. I know it won't go on forever. In fact, it was never meant to go on forever. And people in the wind energy even admit that today and talk about phaseouts.

I am happy to discuss a responsible multiyear phaseout of that wind tax credit. In 2012, the wind energy was the only industry to put forward such 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, not just wind solely. And it should be done responsibly, over a few years, to provide certainty and ensure a viable industry.

It is time to put an end to the annual kabuki dance that is tax extenders. Good tax policy requires certainty that can only come from long-term predictable tax law. Businesses need the certainty in the Tax Code so they can plan and invest accordingly.

Moreover, taxpayers deserve to know that the Tax Code is not just being used as another way to dole out funds to politically favored groups. However, the only sound way to reach this goal is through comprehensive tax reform.

I agree there are provisions in extenders that ultimately should be left on the cutting room floor. But it is in tax reform—comprehensive tax reform—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 realistic baselines that will allow the revenue generated from cut-

ting 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 tax reform and put an end to the headaches and uncertainty created by the regular expiration of tax provisions. Right now our focus must be on extending current expired or expiring provisions to give us room to work towards that goal.

It is my hope that we can move quickly to reach a bipartisan, bicameral agreement that can quickly be enacted and that includes the wind energy tax provisions. Taxpayers have already waited too long.

What really gripes me about this whole argument is that people say they are for all of the above. I am for all of the above, I can say. You know, that means fossil fuels, that means all sorts of alternative energy, it probably includes conservation, and it includes nuclear. But when I see the people fighting the wind energy tax credit coming from petroleum and natural gas and from coal, I think of these people who say they are for all of the above, they are really for all of the below but for none of the above. And that is wrong and inconsistent.

I want a consistent, uniform tax policy for all forms of energy being extended right now.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. WALSH. Madam President, I ask unanimous consent that the previous order be modified so that the following nomination be added following Executive Calendar No. 962: Calendar No. 1008, with all other provisions of the previous order remaining in effect.

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

Mr. WALSH. 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. JOHNSON of Wisconsin. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PEPPER NOMINATION

Mr. JOHNSON of Wisconsin. Madam President, it is my privilege to recommend to the Senate the Honorable

Pamela Pepper to be a U.S. district judge for the Eastern District of Wisconsin. Patty served with distinction and is the current chief judge of the U.S. Bankruptcy Court for the Eastern District of Wisconsin.

Although not native to our State, she has set down deep roots in Wisconsin, first serving in the Office of the United States Attorney for the Eastern District of Wisconsin, followed by private practice in Milwaukee and finally serving 9 years as a bankruptcy court judge.

Pam was born in the delta of Mississippi in a town called Leland. Her parents were both teachers and instilled in her an intellectual curiosity which has been apparent throughout her career. She migrated north for college and attended Northwestern University in Chicago, where she received a degree in theater.

After helping a friend get through the LSAT review course, she realized she might want to explore other careers and ended up taking the LSAT herself. She obviously had prepared herself well because she performed well on the LSAT and was accepted into the Cornell University School of Law.

After graduation, she clerked with distinction for Judge Frank Johnson on the Eleventh Circuit Court of Appeals and then moved on to become a prosecutor in the U.S. Attorney's Office in Chicago.

She is widely respected within her profession, evidenced by having held offices as the president of the Milwaukee Bar Association and the chairperson of the Board of Governors of the State Bar of Wisconsin. She is an instructor of national stature and speaks frequently on trial practice and evidence. She is currently an instructor at the Federal Judicial Center.

I have had the opportunity to speak to practitioners who have appeared before her bankruptcy court. They have told me of her patience with attorneys, which is a virtue of hers they all value.

Pam possesses a great sense of humor, which she often uses to put litigants at ease. She displays compassion in making tough decisions by explaining the rationale for those decisions clearly so her reasoning is understood by all. She has shown great dexterity in reacting to difficult situations in court with calm reasoning.

Finally, Pam has been described as a practical judge who promptly resolves disputes while faithfully adhering to the rule of law.

Pam's intellectual curiosity, her demonstrated ability to learn new areas of the law and efficiently administer her office, has convinced me she will continue to excel in her new role as a Federal district court judge. Judge Pepper has my full support, and I urge my colleagues to vote yes on her confirmation.

I conclude my remarks by thanking the hard-working members of our bipartisan nomination commission for their dedication and efforts.