

## LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

# NOMINATION OF JOAN MARIE AZRACK TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK

Mr. REID. I move to proceed to executive session to consider Calendar No. 1145.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Joan Marie Azrack, of New York, to be United States District Judge for the Eastern District of New York.

## CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Joan Marie Azrack, of New York, to be United States District Judge for the Eastern District of New York.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Tom Harkin, Jeff Merkley, Mazie Hirono, Patty Murray, Brian Schatz, Sheldon Whitehouse, Charles E. Schumer, Angus S. King, Jr., Amy Klobuchar, Bill Nelson, Christopher A. Coons, Mark Begich, Christopher Murphy, Barbara Boxer.

## LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

# NOMINATION OF ELIZABETH K. DILLON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

Mr. REID. Mr. President, I now move to proceed to executive session to consider Calendar No. 1146.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Elizabeth K. Dillon,

of Virginia, to be United States District Judge for the Western District of Virginia.

## CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Elizabeth K. Dillon, of Virginia, to be United States District Judge for the Western District of Virginia.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Tom Harkin, Jeff Merkley, Mazie K. Hirono, Patty Murray, Brian Schatz, Sheldon Whitehouse, Angus S. King, Jr., Charles E. Schumer, Amy Klobuchar, Bill Nelson, Christopher A. Coons, Mark Begich, Christopher Murphy, Barbara Boxer.

## LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

# NOMINATION OF LORETTA COPELAND BIGGS TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Mr. REID. I now move to proceed to executive session to consider Calendar No. 1147.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Loretta Copeland Biggs, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

## CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 Loretta Copeland Biggs, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Tom Harkin, Jeff Merkley, Mazie K. Hirono, Patty Murray, Brian Schatz, Sheldon Whitehouse, Angus S. King, Jr., Charles E. Schumer, Amy Klobuchar, Bill Nelson, Christopher A.

Coons, Mark Begich, Christopher Murphy, Barbara Boxer.

## LEGISLATIVE SESSION

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

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

# INSULAR AREAS AND FREELY ASSOCIATED STATES ENERGY DEVELOPMENT—Continued

The PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 motion to concur in the House amendment to the Senate amendment to H.R. 83.

Harry Reid, Barbara A. Mikulski, Brian Schatz, Benjamin L. Cardin, Martin Heinrich, John E. Walsh, Richard J. Durbin, Thomas R. Carper, Patty Murray, Tim Johnson, Angus S. King, Jr., Mark R. Warner, Tom Udall, Dianne Feinstein, Bill Nelson, Mark L. Pryor, Tammy Baldwin.

The PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 83 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 77, nays 19, as follows:

[Rollcall Vote No. 352 Leg.]

## YEAS—77

Alexander	Cochran	Heitkamp
Ayotte	Collins	Hirono
Baldwin	Coons	Hoeben
Barrasso	Corker	Isakson
Begich	Cornyn	Johanns
Bennet	Donnelly	Johnson (SD)
Blumenthal	Durbin	Johnson (WI)
Blunt	Enzi	Kaine
Booker	Fischer	King
Boozman	Flake	Kirk
Boxer	Gillibrand	Klobuchar
Burr	Graham	Landrieu
Cantwell	Grassley	Leahy
Cardin	Hagan	Levin
Carper	Harkin	Markey
Casey	Hatch	McCain
Coats	Heinrich	McConnell

Menendez	Reid	Toomey
Merkley	Roberts	Udall (CO)
Mikulski	Rockefeller	Udall (NM)
Murkowski	Schatz	Walsh
Murphy	Schumer	Warner
Murray	Shaheen	Whitehouse
Nelson	Stabenow	Wicker
Pryor	Tester	Wyden
Reed	Thune	

## NAYS—19

Brown	McCaskill	Scott
Crapo	Moran	Sessions
Cruz	Paul	Shelby
Franken	Portman	Vitter
Heller	Risch	Warren
Lee	Rubio	
Manchin	Sanders	

## NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The PRESIDENT pro tempore. On this vote, the yeas are 77, the nays are 19.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer fails.

## AGRICULTURAL EXEMPTIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague, Senator MIKULSKI.

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

Mrs. FEINSTEIN. Mr. President, I wish to discuss an important matter related to H.R. 83, the omnibus bill, with my colleague from Maryland, Senator MIKULSKI. As you know, section 111 of this bill for the Corps of Engineers discusses the agricultural exemptions under section 404(f)(1)(A),(C) of the Clean Water Act.

There has been some confusion as to exactly what this provision does and doesn't do. I would like to clarify that this provision does not expand or modify the current agricultural exemptions that are contained in the Clean Water Act nor does it impact the "recapture" provision in section 404(f)(2).

Mr. President, can the Senator from Maryland provide a further explanation of the issue?

Ms. MIKULSKI. First and foremost, I wish to thank the Senator from California for her efforts in negotiating the difficult issues within the Energy and Water portion of the omnibus bill.

As the Senator knows, the original House language would have kept the Corps of Engineers from regulating the agricultural exemptions as well as essentially eliminating the recapture provision where permits are needed if an exempted activity impacts waters of the U.S. by impairing circulation of or reducing the reach of such waters.

I was pleased that the language that we were able to work out with Chairman ROGERS and include in the omnibus dropped the language in the original House provision. The compromise language does not change current law and preserves the current scope of agricultural exemptions. The simple fact remains that if you needed a permit before, you will need to get a permit under this provision; if you didn't need

one before, you won't under this provision.

Mrs. FEINSTEIN. I thank my colleague so much for this clarification. This is a very important clarification.

## LEAD CONTENT REGULATION

Mrs. BOXER. Mr. President, I ask unanimous consent to engage in a colloquy with my colleague, Senator MIKULSKI.

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

Mrs. BOXER. Mr. President, I am joined by the chair of the Appropriations Committee to discuss a provision in the fiscal year 2015 Omnibus appropriations bill, which we will vote on shortly in the Senate.

The provision is section 425 of division F of the fiscal year 2015 Omnibus appropriations bill, which preserves the status quo with regard to the regulation of the lead content of certain items. As House Report 113-551 and the Omnibus Joint Explanatory Statement each explain, section 425 prohibits the use of funds to regulate the lead content of: (1) ammunition, (2) ammunition components, and (3) fishing tackle. The Toxic Substances Control Act regulates the chemical content of products. However, the Environmental Protection Agency has denied petitions to regulate the lead content of ammunition and fishing tackle under this statute. The omnibus provision simply reaffirms EPA's decision not to regulate the lead content of ammunition or fishing tackle under TSCA.

While I oppose restricting EPA's ability to regulate the content of bullets and fishing tackle, I think it is important to be clear about what this provision does. I would ask my colleague, Senator MIKULSKI, if she agrees with this interpretation of section 425.

Ms. MIKULSKI. I thank Senator BOXER. As chairman of the Appropriations Committee and lead author of the fiscal year 2015 Omnibus appropriations bill, I agree with her understanding of section 425.

Mr. LEVIN. Mr. President, today we face a difficult choice. The appropriations bill before us today contains a lot of good for Michigan and for our country, and it will provide most of our Federal agencies, and the people who rely on them, with the certainty needed to plan and invest. But it also contains some very troubling provisions.

We shouldn't use appropriations bills like this one to weaken our financial protection laws and to open the floodgates to campaign donations from millionaires. We shouldn't fund our financial regulators far below what they need to do their jobs. We shouldn't meddle with the will of the majority of residents in our Nation's Capital. And we shouldn't let tax cheats walk free by funding the IRS at the lowest level in years. I could go on and on about the flaws in this bill, and there is one in particular that I will highlight further.

But despite these significant flaws, the alternatives to this bill are also deeply problematic. Passage of a con-

tinuing resolution, which would put the Federal Government on autopilot, or worse, a government shutdown, are the two alternatives to passage of this bill. So that leaves us with the terrible decision we face today. So this bill appears poised to pass because it must and because it is better than the terrible alternatives I just discussed. If my vote were needed to pass this bill, I would, grudgingly, vote in favor. But it appears that this bill will pass regardless, and so I will not vote in favor of it today because I wish to express my deep concern about a number of provisions.

That provision, which guts the swaps pushout rule, will repeal an antibailout section of the Dodd-Frank act and risk putting taxpayers back on the hook for Wall Street banks' risky bets. As chairman of the Permanent Subcommittee on Investigations, just last month I held a hearing on bank involvement in the commodities markets. As chairman of the Permanent Subcommittee on Investigations, just last month I held a hearing on bank involvement in the commodities markets. We found that Wall Street had huge, wide-ranging ownership and control of and inside information about oil, copper, aluminum, uranium, and electricity markets at the same time they were engaging in financial transactions related to those same commodities posing big risks to the banks and, as a result, to the taxpayers who could be called on to bail them out in the event that those bets go awry.

Less than 14 years ago, the seeds of our financial crisis were planted in a derivatives provision planted in the 2001 appropriations bill. This provision, which like the provision in the bill before us, was added at the last minute and not subject to debate on its own, exempted derivatives from regulatory scrutiny, and left regulators, banks, and the American public on the hook when risky bets went bad.

As a result, Congress voted to enact a prohibition against Federal Government bailouts of swaps entities, or the swaps pushout rule, as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This provision bans big banks from conducting risky derivatives trading in their insured banking units—the units that taxpayers would have to bail out if their bets went wrong.

Now we risk repeating the same mistake of 2001.

The language of the provision was written—literally written—by lobbyists for the big banks. According to a New York Times report, 70 of the 85 lines of the provision came directly from Wall Street's recommendations. Even more surprisingly, according to the Times, "two crucial paragraphs, prepared by Citigroup in conjunction with other Wall Street banks, were copied nearly word for word."

The Senate has long operated under rules that prevent legislative changes from being made on an appropriations

bill. This provision runs completely against that longstanding precedent. The swaps pushout provision is bad policy, and it is bad procedure. And if I could vote against that provision by itself, I certainly would.

But, unfortunately, because of where we are today and because of the decision to insert the unrelated, lobbyist-drafted provision into this bill at the last minute, we won't be able to consider that provision on its merits. Instead, we are considering this as part of an all-or-nothing package, with the threat of a continuing resolution or a government shutdown looming.

So, I will vote against this bill despite much good that it would do for my State and for our country in hopes that the next Senate will heed the warnings of myself and many of my colleagues that the provision in this bill weakening our country's banking regulations may sow the seeds of another taxpayer funded bank bailout and another financial crisis.

Ms. COLLINS. Mr. President, I wish to speak on the fiscal year 2015 Consolidated and Further Continuing Appropriations Act that is currently before the Senate.

For the last year, members of the Appropriations Committee have worked hard to develop bipartisan bills that establish priorities and responsibly fund the government. While I would have much preferred each of these bills to have been brought to the floor individually so they could be debated and amended, passage of this compromise legislation to keep government open and provide vital services to Americans who depend on them is essential.

While the legislation funds nearly all government operations, programs, and agencies through the remainder of the fiscal year, notably, this bill funds the Department of Homeland Security only through February 27, 2015, giving Congress time to thoughtfully respond to the President's unilateral action on immigration. While I supported the bipartisan legislation to reform our immigration laws that passed the Senate last year, I believe President Obama's recent Executive action on immigration circumvents Congress and undermines the separation of powers in our Constitution. This bill gives Congress time to formulate an appropriate response.

In addition to the regular funding contained in this bill, the legislation also provides more than \$5 billion in emergency funding to address the Ebola crisis at home and abroad. The scope and urgency of this crisis require continued attention, and this funding will build on the important initial investment for the Centers for Disease Control and Prevention and the Department of Health and Human Services that Congress provided in September.

I want to highlight the important work that Chairman MURRAY and I have accomplished as the leaders on the Transportation and Housing and

Urban Development Subcommittee on Appropriations. Over this past year, Senator MURRAY and I worked together to craft a bipartisan bill that includes input from Members on both sides of the aisle and provides the necessary resources to meet our nation's transportation and housing needs. Every Member of Congress has unmet transportation and housing needs in his or her home State, from crumbling roads and bridges to a growing population of low income families, elderly, and disabled individuals in need of housing assistance.

There are a number of key programs that I would like to highlight. With regard to transportation infrastructure, we secured funding to address the safe transportation of crude oil and other hazardous materials by rail, strengthening three components: prevention, mitigation, and response. These safety measures will help to prevent disasters like the horrific derailment in Lac-Mégantic, Quebec, last year—so very close to the Maine border.

We also provide \$500 million for the TIGER program, an effective initiative that helps advance transportation infrastructure projects. We all have seen firsthand how TIGER projects create jobs and support economic growth in our home States. In fact in Maine this highly competitive program has supported more than \$90 million in funding for roads, bridges, ports, and rail projects.

Turning to air travel, the aviation investments included in the bill will continue to modernize our Nation's air traffic system and keep rural communities connected to the transportation network. These investments are creating safer skies and a more efficient airspace to move the flying public.

Also included in the bill are provisions I authored, which were adopted by the Appropriations Committee by a bipartisan vote of 21 to 9, to respond to potential safety concerns related to DOT regulations governing truck drivers. As a result of unintended consequences of these regulations, more trucks have been forced on our Nation's roads during the most congested morning hours—when commuters are traveling to work and children are traveling to school. The bill provides temporary relief until the DOT Secretary conducts a comprehensive study on the impacts of these unanticipated outcomes.

In addition to these transportation programs, our bill provides sufficient funding to keep pace with the rising cost of housing programs for our most vulnerable families. More than four million families will continue to receive critical rental assistance for housing. Without it, many of these families would otherwise become homeless.

The bill reflects our strong commitment to reduce homelessness and includes more than \$2 billion for Homeless Assistance Grants. Since 2010, we have reduced overall chronic homeless-

ness by 21 percent and veterans' homelessness by 33 percent. This program works. That is why we build on these successes and provide an additional 10,000 HUD-VASH vouchers to serve our Nation's veterans.

While we continue to help families in need, we also recognize the struggles facing our local communities. Boosting local economies is critical to job creation and helping families obtain financial security. Our bill supports these local development efforts by providing \$3 billion for the Community Development Block Grants program. This is an extremely important program for States and communities because it allows them to tailor the Federal funds to support local economic and job creation projects.

Other provisions of the bill make equally important investments in our national security, energy infrastructure, veterans, and health and human services.

For our military and our national security, I particularly appreciate that the bill fully funds the *Arleigh Burke*-class DDG-51 and *Zumwalt*-class DDG-1000 destroyers. The destroyers are known as the real workhorses of the fleet and are critical to maintaining the robust forward naval presence our nation requires especially in a time of increasing threats to our security. The continued support of the destroyer programs is also a strong testament to the hard work and dedication of the men and women at Bath Iron Works in Maine. Bath-built truly is best built.

The bill also includes funding for the procurement of 38 F-35s and for four additional aircraft. The F-35 is vital to maintaining air superiority, and components of the aircraft are built by skilled workers at Pratt & Whitney in North Berwick, General Dynamics Ordnance and Tactical Systems in Saco, Hunting Dearborn, Inc. in Fryeburg, and Fairchild Semiconductor in South Portland. Neither the bill, nor the report, recommends an unnecessary study of an extra engine for the F-35 fighter, which would have wasted billions of dollars.

Turning to our Nation's public shipyards, I am pleased that this bill funds our Navy's facility maintenance and modernization efforts, including projects at Portsmouth Naval Shipyard in Kittery, ME. The agreement contains language I secured that ensures the capital investment for the Navy's four public shipyards, including the Portsmouth Naval Shipyard, is funded at the level required by law.

For the men and women serving in uniform all over the world, the bill also rightly rejects many of the President's proposals that would have imposed burdens on many servicemembers and their families.

For our Veterans, I am pleased that this bill provides funding for the highly successful Access Received Closer to Home program, or ARCH, which provides critical care to our veterans living in rural areas, including those living in Northern Maine. The ARCH pilot

program provides VA-covered health care services through non-VA providers and has been crucial to increasing access to care for rural Maine veterans.

The funding bill also provides additional resources to implement the reforms included in the recently enacted Veterans Access to Care through Choice, Accountability, and Transparency Act.

We must increase our investment in biomedical research, and this bill provides \$72 million in new funding for Alzheimer's Disease research, treatment, and caregiver programs. This important step takes us closer toward the goal of doubling funding for Alzheimer's research and eventually reaching the level of \$2 billion a year in federal investment. This is the amount that the chairman of the Alzheimer's Advisory Council has said will be necessary if we are to reach our goal of having a way to prevent or effectively treat Alzheimer's Disease by 2025. At a time when Alzheimer's is costing our Nation \$214 billion a year, including \$150 billion in costs to Medicare and Medicaid, we are spending less than \$600 million a year on Alzheimer's research. While this bill does take a step forward, clearly we need to do more given the tremendous human and economic toll this devastating disease takes on our Nation.

In addition, this funding bill makes important investments in agricultural research and extension activities, from potatoes to wild blueberries to aquaculture and forest products, while maintaining a commitment to nutrition and food security. The agreement finally allows all fresh vegetables, including the fresh, white potato, to be included in the WIC program while USDA carries out an evaluation of the nutrient value of all vegetables, helping to ensure that any long-term policy is transparent and reflects the latest science.

This bill also makes important commitments to our energy infrastructure and provides robust funding for the Department of Energy wind program. This program funds the offshore wind demonstration projects, including the R&D project being carried out by the University of Maine. Federal seed money is helping overcome barriers to the development and implementation of new and innovative technologies, such as deepwater offshore wind, which can position the U.S. as a global leader in innovative clean energy.

To help address the high cost of residential energy, particularly for those living in northern, rural States like Maine, funding is provided in this bill for the Weatherization program. This program plays an important role in permanently reducing home energy costs for low-income families and seniors. Moreover, the funding included for LIHEAP will help ensure that many of our most vulnerable families and seniors do not have to choose between paying for heat and paying for other necessities such as food or medicine.

Helping to meet the water infrastructure needs of smaller states and regions is another vital piece of our National infrastructure. This bill includes funding for the operation and maintenance of Army Corps projects at smaller harbors, which are the economic lifeblood for many rural communities, a fact not fully accounted for under the Corps' budget metrics, which tend to favor larger ports.

The bill also continues to support our nation's fisheries, which are so important to the economies of our coastal communities, particularly in Maine. From funding for annual stock assessments, surveys and monitoring, and cooperative research, the bill supports key State and Federal partnerships. It provides funding to ensure fisheries data collection accurately reflects stock sustainability and funding for NOAA to invest in the science and research necessary to sustainably manage our fisheries in a way that continues to support our fishing fleets.

Finally, I am pleased to see that the bill includes full funding for the Trade Adjustment Assistance programs that are so important in Maine, and for which Senator KING and I both advocated. As we continue to deal with the recent job losses at paper mills in Maine, this assistance to displaced workers is extremely important.

Completing action on this bill will keep government open and provide essential services to Americans who depend on them. While there are aspects of this compromise legislation that should have been subject to debate and amendment in an open process by the full Senate, including provisions that affect significantly multi-employer pensions and our campaign finance laws, we simply cannot allow a government shutdown. For that reason, I will be voting for this compromise legislation, and I urge my colleagues do so as well.

Mr. MANCHIN. Mr. President, I rise today to voice my opposition to the spending bill we are being forced to vote on. I am not voting to shut down the government. I am voting to negotiate on a bill where we are at least able to participate. I am voting to stay here, work with all my colleagues on a better bill, and put an end to the dysfunctional process we are forced to endure every year. I have read through the bill, and I am sure everyone can find something in here that they like.

I certainly have some items in the bill that will help my little State of West Virginia. But there is just too much waste, too much taxpayer risk, and too little transparency for me to stomach.

In the 4 years I have been in the Senate and on the Armed Services Committee, I have heard from officials on the damage done by the sequester and how it has cannibalized the Armed Forces. And yet, while DOD officials were forced to absorb across-the-board cuts in 2013, I have made it a point to ask if they are being forced into

projects they don't want or need. This bill, however, completely ignores what the Department of Defense has said.

We are wasting \$5 billion on Department of Defense spending that the Pentagon did not ask for and does not need. They didn't ask for some of these ships, tanks and airplanes, but we are forcing them to purchase those projects anyway. And not only are we wasting this money, but we are denying it from other important programs that desperately need those funds.

In this bill, we gut hard-working Americans' pensions, and instead of using the \$5 billion to fund the Care Act, which ensures that the UMWA's Pension Plan remains solvent to benefit miners who have helped power this Nation, we give the Pentagon tanks and ships and planes they don't need or even want. We have seen our political process become more corrosive than ever in recent years.

We have already seen the negative effects that the Citizens United ruling has had on our elections. It has allowed unlimited and dark money to distort the records of our colleagues, flood our airwaves with negative advertisements and shrink our campaigns to sound bites instead of ideas.

And what does this bill do to address this? It increases the limits for individual contributions to political parties by 10 times the current limit—10 times. The current limit of \$32,400 was already too high for most West Virginians and Americans to be able to take full advantage. The new limit of \$324,000 is inconceivable for the vast majority of Americans. That means that our political process will only be available to a small number of wealthy individuals who will have more influence on our government than the hard-working Americans we are sent here to represent.

Main Street America is still hurting from the fallout of Wall Street's greedy behavior. Americans lost 8.8 million jobs and our GDP fell by at least \$7.2 trillion. We lost a generation of jobs and economic progress. And while our economy is still trying to recover and millions of Americans are still out of work, Wall Street has seen record profits.

Instead of working to help our small businesses, community banks, and credit agencies, this bill allows Wall Street banks to go back to the same risky behavior that drove us into the great recession in the first place. If we pass this bill, we will allow Wall Street banks to trade risky derivatives and once again force American taxpayers to bail them out if they lose their bets.

Haven't we learned our lesson yet? If big banks want to trade in risky derivatives and act with greed, then they should bear the cost of their mistakes, not the American taxpayer.

Mr. President, I understand omnibus bills are made out of negotiation and compromise, but negotiations start

with participation. Here, most Members of the Senate were not even consulted on this bill, nor was there an opportunity to offer amendments.

Senator Robert C. Byrd, a man who defined what it meant to be a representative of the people and one of the most dedicated and passionate United States Senators to date, told me what it was like to work in the Senate before the process was broken. Upon arriving in the Senate, I assumed those same rules of conduct applied until Members here in this body explained to me just how much has changed.

We used to consider individual appropriations bills that were carefully deliberated by committee members, and then we brought those smaller bills to the floor and were given an opportunity to offer amendments and debate the bill in a timely, proper manner. Somehow, the Senate process has gotten away from the days of regular order. Instead, here we are today, where we were given two days to read a 1,600-page bill loaded with provisions that we cannot even amend.

Since we are forced to consider this bill as a whole, I have determined that it is simply too flawed for me to support.

I urge my colleagues to stay here another week and truly draft a bipartisan omnibus package that fairly represents American values.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CRUZ. Mr. President, 1 month ago President Obama announced unprecedented Executive amnesty, in direct conflict with the immigration laws passed by Congress. Tonight is the first opportunity that Congress has to express its disapproval.

A dozen Democrats have publicly criticized the Executive amnesty. Tonight, both Democrats and Republicans will have the opportunity to show America whether they stand with the President, who is defying the will of the voters, or with the millions of Americans who want a safe and legal immigration system.

This point of order is targeted not to the entire omnibus but specifically to the DHS funding that the President has announced will be spent unconstitutionally.

If you believe President Obama's amnesty is unconstitutional, vote yes. If you believe President Obama's amnesty is consistent with the Constitution, then vote no. Accordingly, I raise a constitutional point of order against Division L of the pending House amendment, on the grounds that it violates the following provisions of the Constitution: the separation of powers embodied in the vesting clauses of article I, section 1, and article II, section 1; the enumerated powers of Congress, stated in article I, section 8; and the requirement that the President take care that the laws be faithfully executed as stated in article II, section 3.

It is incumbent on this body to resolve those constitutional questions

and to honor and protect the constitutional authority of the United States Congress.

I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The majority leader.

Mr. REID. Mr. President, the junior Senator from Texas raises a point of order attacking the pending legislation on the grounds that the President has acted unconstitutionally. The junior Senator from Texas is wrong, wrong, wrong on several counts. But most importantly for us this evening, it is an attack on this bill because this is not an appropriate place to debate the constitutionality of any executive branch action. Under the precedents of the Senate, the Senate determines whether it is constitutional to consider the legislation before it.

The House of Representatives passed this legislation before us in an exercise of its powers under article I of the United States Constitution. This bill has, thus, originated in the House within the meaning of the origination clause of the Constitution.

Voting on this measure is no different from thousands of other measures on which the Senate has voted. The Constitution objection is completely—completely—without merit and should be rejected.

The PRESIDENT pro tempore. Who yields time?

Mr. REID. Mr. President, I yield back all time.

The PRESIDENT pro tempore. All time has expired.

Mr. REID. Mr. President, regular order.

The PRESIDENT pro tempore. All time has expired. Regular order has been requested.

Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate, Is the point of order well taken?

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

The result was announced—yeas 22, nays 74, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—22

Blunt	Grassley	Paul
Boozman	Hoeven	Portman
Burr	Isakson	Risch
Crapo	Johanns	Roberts
Cruz	Lee	
Fischer	Moran	

Rubio	Sessions	Thune
Scott	Shelby	Vitter

NAYS—74

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Hagan	Murphy
Barrasso	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Heller	Reid
Boxer	Hirono	Rockefeller
Brown	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Kirk	Stabenow
Coats	Klobuchar	Tester
Cochran	Landrieu	Toomey
Collins	Leahy	Udall (CO)
Coons	Levin	Udall (NM)
Corker	Manchin	Walsh
Cornyn	Markey	Warner
Donnelly	McCain	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Flake	Menendez	Wyden
Franken	Merkley	

NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The PRESIDENT pro tempore. The question was put to the Senate, Is the point of order well taken?

On this vote, the yeas are 22, the nays are 74.

The point of order is not well taken.

Under the previous order, the motion to concur with amendments is withdrawn.

The PRESIDENT pro tempore. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 83.

The majority leader.

Mr. REID. Mr. President, this will be the last vote tonight. We hope to be able to start at 9:30 Monday morning with the next vote. We will let everyone know for sure.

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

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—56

Alexander	Coats	Heinrich
Ayotte	Cochran	Heitkamp
Baldwin	Collins	Hoeven
Barrasso	Coons	Isakson
Begich	Cornyn	Johanns
Bennet	Donnelly	Johnson (SD)
Blunt	Durbin	Kaine
Boozman	Enzi	King
Burr	Fischer	Kirk
Cardin	Graham	Landrieu
Carper	Hagan	Leahy
Casey	Hatch	McConnell



Mikulski	Roberts	Toomey
Murkowski	Rockefeller	Udall (CO)
Murphy	Schatz	Udall (NM)
Murray	Schumer	Walsh
Nelson	Shaheen	Warner
Pryor	Stabenow	Wicker
Reid	Thune	

## NAYS—40

Blumenthal	Hirono	Reed
Booker	Johnson (WI)	Risch
Boxer	Klobuchar	Rubio
Brown	Lee	Sanders
Cantwell	Levin	Scott
Corker	Manchin	Sessions
Crapo	Markey	Shelby
Cruz	McCain	Tester
Flake	McCaskill	Vitter
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Grassley	Moran	Wyden
Harkin	Paul	
Heller	Portman	

## NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The motion was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEINRICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

### CORRECTING THE ENROLLMENT OF H.R. 83

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 122, correcting the enrollment of H.R. 83, providing a new title; that the concurrent resolution be agreed to; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 122) was agreed to.

### UNANIMOUS CONSENT AGREEMENT—MANDATORY QUORUM REQUIRED UNDER RULE XXII

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived with respect to the cloture motions filed during today's discussion on the nominations.

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

### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, during which time Senators be permitted to speak for up to 10 minutes each.

### EXPLANATION OF CONGRESSIONAL INTENT

Mr. REID. Mr. President, the intent of division N, section 101 is to establish separate limits for funds raised into separate, segregated accounts established by national political party committees for certain specified purposes. All of these funds are "hard money" subject to all of the source limitations, prohibitions, and disclosure provisions of the act.

The first account, described in section 315(a)(9)(A) of the Federal Election Campaign Act of 1971, "FECA", as amended, is intended to allow a national committee of a political party—other than a national congressional campaign committee—to defray expenses related to a Presidential nominating convention using funds raised under separate, increased limits. Section 315(a)(9)(A) also caps the aggregate amount of expenditures a national political party committee may make from such account with respect to any convention at \$20,000,000. This section is intended to provide national political party committees with a means of acquiring additional resources to be used specifically in connection with the funding of Presidential nominating conventions because such conventions may no longer be paid for with public funds. It is the intent to allow these funds to be used in the same manner as the former public funds could have been used, as well as to pay for the costs of fundraising for this segregated account.

The second account, described in section 315(a)(9)(B) of FECA, as amended, is intended to permit a national committee of a political party—including a national congressional campaign committee of a political party—to defray expenses incurred with respect to the construction, purchase, renovation, operation and furnishing of party headquarters buildings located throughout the United States, including the cost of fundraising for this segregated account, using funds raised under separate, increased limits. Funds in these accounts also may be used to repay loans and other obligations incurred for the purpose of defraying such building expenses, including loans and obligations incurred 2 years before the date of the enactment of this act.

The third account, described in section 315(a)(9)(C) of FECA, as amended, is intended to permit a national committee of a political party—including a national congressional campaign committee of a political party—to defray expenses incurred with respect to the preparation for and the conduct of election recounts and contests and other legal proceedings, including the costs of fundraising for this segregated account, using funds raised under a separate limit. Section 101 of division N is not intended to modify Federal Election Commission precedent permitting the raising and spending of funds by campaign or State or national party committees. See FEC Advisory Opin-

ions 2006-24, 2009-4. Section 101 is also intended to permit the national parties to use such funds for costs, fees, and disbursements associated with other legal proceedings.

Finally, under current law coordinated limits do not apply even absent these provisions to the existing accounts as described in section 315 of FECA and therefore it is the intent of the amendments contained herein that expenditures made from the accounts described in section 315(a)(9) of FECA, many of which, such as recount and legal proceeding expenses, are not for the purpose of influencing Federal elections, do not count against the coordinated party expenditure limits described in section 315(d) of FECA.

### FIRST STATE HISTORICAL NATIONAL PARK

Mr. CARPER. Mr. President, I ask unanimous consent to engage in a colloquy with the chair of the Energy and Natural Resources Committee, Senator LANDRIEU, concerning the authorization of the First State National Historical Park that was included within H.R. 3979, the National Defense Authorization Act.

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

Mr. CARPER. As the chairman is aware, our staffs worked diligently with property owners and other stakeholders in the drafting of the language authorizing the First State National Historical Park within H.R. 3979. The authorization includes language that redesignates the sites currently within the boundary of the First State National Monument and authorizes four additional sites—the Old Swedes Church, Fort Christina, the John Dickinson Plantation, and the Ryves Holt House—to be included within the boundary of the new First State National Historical Park. The language authorizes the National Park Service to acquire the listed additional sites only under very specific parameters, including by purchase from a willing seller; by exchange, which can only be achieved if the property owner consents; or by donation. No lands or interests in land can be acquired by condemnation, so no landowner can be forced to sell their property for inclusion in the park. To further clarify our intent, the legislation references a map outlining the boundaries for each of the eligible sites.

I would like to ask the Chair of the Committee on Energy and Natural Resources whether she agrees with my intent and understanding of the language authorizing the First State National Historical Park within H.R. 3979 in that no additional property can be included in the boundaries of the park until the U.S. government has acquired the property, and furthermore, that no property can be acquired—either in fee title or an interest in land, such as an easement—unless acquired from a landowner who willingly desires to sell or