

upon the table, and the President will be immediately notified of the Senate's action.

**NOMINATION OF ANTONY BLINKEN
TO BE DEPUTY SECRETARY OF
STATE**

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Antony Blinken, of New York, to be Deputy Secretary of State.

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. will be equally divided in the usual form.

The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—EXECUTIVE
CALENDAR NO. 1058

Ms. MIKULSKI. Mr. President, I come to the floor with my colleague Senator BEN CARDIN from Maryland.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Take your conversations out of the Chamber.

Ms. MIKULSKI. Does that mean all conversations, Mr. President?

The PRESIDING OFFICER. Please take your conversations outside the Chamber. Thank you.

Ms. MIKULSKI. Mr. President, I am on the floor, along with my colleague Senator BEN CARDIN from Maryland, to advocate for Carolyn Colvin to be confirmed as the Social Security Commissioner, making her the chief executive officer of the Social Security Administration.

I am very frustrated that her nomination has become a casualty of the Senate clock and unfair attacks by some Members of the Republican Party. We need a Social Security Administrator and we need a competent, qualified person to lead it and that is Carolyn Colvin. Ms. Colvin's nomination is important because the work of the Social Security Administration is important.

Over 60 million Americans rely on Social Security—900,000 in Maryland. Seniors, individuals with disabilities, and children depend on the benefits and services of the Social Security Administration. It is a big agency with big responsibilities. It supports 63,000 Social Security employees; 11,000 are in the Social Security headquarters in Woodlawn. It is not about the numbers, it is about what they do.

Guess what they do. They administer \$950 billion in benefit payments, approximately 25 percent of all government spending. Last year over 40 million people came to its field offices, 47 million people called the 800 number, 5 million came for retirement, 2.8 million came for their disability. I go through the numbers because it shows an agency, with the magnitude of its responsibility, making sure we determine who is eligible for Social Security,

that there is no fraud in Social Security, and that it is administered in a competent, careful way for the American people.

That means you have to have a permanent Administrator; you cannot have someone acting. That is why we go to Carolyn Colvin. She is skilled. She is seasoned. She is experienced. She started out as a clerk at Social Security, and in her public service she has risen through the ranks in a variety of very important positions, being well known and well respected, and is an excellent public administrator. She is a problem solver, she is a reformer, and she has been the Deputy since December 2010 and Acting Commissioner since February 2013.

I am frustrated at the attacks on Ms. Colvin. It is about a techno boondoggle that began under her predecessor, not under her. In fact, she commissioned the McKinsey & Company to study the problem. The minute she wanted to get to the bottom of the problem, she was accused of all kinds of things.

Everything has been referred to the inspector general. They said let's wait for the inspector general. Guess what. The inspectors general keep recusing themselves for this reason or that reason. While they are recusing, the Republicans are using it as excusing, and we can't get to Carolyn Colvin.

For those who need Social Security, as well as for those who want to make sure the benefits are administered competently, we need a permanent Administrator.

Mr. President, I ask unanimous consent that the Senate proceed to the following nomination: Calendar No. 1058, the nomination of Carolyn Watts Colvin to be the Commissioner of Social Security; and further that the Senate proceed to vote on the confirmation of the nomination; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; and that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. No, Mr. President; reserving the right to object.

I spoke at length on the floor about my opposition to confirming Ms. Colvin at this time. While I do not doubt Ms. Colvin's qualifications for this position, there is a cloud hanging over her nomination, and I do not believe the Senate should move forward with her confirmation until that cloud is removed.

Since Ms. Colvin's nomination was reported out of the Finance Committee, several sources, including the House Ways and Means Subcommittee on Social Security, the House Over-

sight and Government Reform Committee, and individual whistleblowers have reported that the Social Security Administration, over a 6-year period, burned through \$300 million in a failed attempt to develop and implement the Disability Case Processing System or DCPS. Some of this happened on Ms. Colvin's watch as she has served as Acting Commissioner of the SSA.

Sadly, it gets worse. We also heard allegations from multiple sources that SSA officials intentionally misled the agency's inspector general, as well as Congress, about the deficiencies in the development of the DCPS in order to facilitate Ms. Colvin's confirmation in the Senate.

These are serious allegations, and an investigation—one that may very well conclude a criminal element—is ongoing. Once again, Ms. Colvin currently serves as the Acting Commissioner of SSA. This investigation includes people working in her immediate office.

Put simply, the Senate should not move forward on her nomination until this matter is resolved. I intend to work with our two colleagues from Maryland to see if we can resolve this issue. It may very well be that Ms. Colvin has done nothing wrong. I voted for her out of committee. I certainly hope she has done nothing wrong. I hope that is the case. But we should at least be sure before we move her nomination forward; therefore, I have to object at this time.

I believe my colleague Senator ISAKSON may have some comments on this matter as well.

I will surely try to work with my colleagues and see if we can expedite this if there is no problem.

I have nothing against Ms. Colvin at all. In fact, I interviewed her in my office. I quite enjoyed meeting with her.

We will see what we can do to move this forward, but as of right now I have to object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Maryland.

Mr. CARDIN. Mr. President, I greatly respect Senator HATCH and his respect for the integrity of our system. I know he is acting with his sincere beliefs, but I am disappointed and I need to say that.

The inspector general's report is a serious investigation. It involves episodes that took place during the previous administration in which the Commissioner was appointed by a Republican. There is no indication at all of Carolyn Colvin being the subject of the investigation.

In fact, she has tried to take steps to be totally open and transparent about what has happened and has been totally forthcoming with our committee, the Ways and Means Committee, in providing information.

I wish to stress what Senator MIKULSKI said about the urgency of this matter. If we don't confirm her during the lameduck session, it will be more than 2 years that the Social Security Administration has operated without a

confirmed Commissioner. This is one of the most important agencies in the government.

As an Acting Commissioner, she cannot appoint her key team in order to carry out the responsibilities of the Social Security Administration. The morale of the agency is very much impacted when you can't get a confirmed Commissioner. Quite frankly, the Senate Finance Committee recommended her appointment 3 months ago, and as Senator HATCH pointed out, it was a 22-to-2 vote. The vote in the Senate Finance Committee at that time was not even close, and now we cannot get her confirmed.

As Senator MIKULSKI pointed out, we know Carolyn Colvin. She started out as a stenographer clerk at the Social Security Administration in the 1960s while working her way through college. She went on to become the Deputy Commissioner, carrying out major responsibilities.

Her passion has always been for public service. She was the secretary for human resources for the State of Maryland. She knows State; she knows Federal. Her whole life has been devoted to public service. She is a very honorable person and is dedicated to leading the Social Security Administration.

We have some very critical issues in the next Congress, and we may have some different views on some of those issues, but that is what this Senate is about—to debate those issues. But we need to have a confirmed Commissioner in place to help us sort through the challenges we face. Tens of millions of Americans depend upon the Social Security system. They demand accountability, not just from us but from the agency. How can you have accountability if you don't have a confirmed Commissioner?

All I can say is we have a qualified person who has gone through the process and has been recommended by the committee. She has all the talent, commitment, and drive to do the job, and it looks like we are not going to be able to get this person confirmed. If we don't confirm her now, we will have to wait until the next Congress and start all over again, and we don't know how long that will take.

I appreciate Senator HATCH's willingness to work with us, and I know we will work together on this issue. Senator HATCH has always been an honorable person—and I very much appreciate that—to work with on so many different issues, but I have to express to my colleagues my deep disappointment that we cannot get this nomination up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I have the greatest of regard for my two colleagues from the State of Maryland, and I respect their passion for this nominee, but I rise to support delaying the advancement of Carolyn Colvin for the Social Security Administration,

and I wish to explain why. In fact, my reasons somewhat address some of the reasons for my urgency.

I interviewed Carolyn Colvin on July 29 as a nominee to come before the Finance Committee in my office, as I do with every nominee who will talk to me. It was 2 days after the 2014 trustee's report of the Social Security Administration—a report that talked about the disability trust fund being in danger by 2016 and Social Security being in danger in 22 years.

I asked her questions about what she would recommend to us to fix the unfunded mandates that would be coming up with Social Security. Her answers were at best glib and at worst nonexistent.

I was one of the two votes against her nomination that Senator CARDIN referred to in the committee because I didn't feel I got the kind of passionate answer I needed from her as someone who was going to run the Social Security Administration.

Subsequent to that vote, and before today's debate, the issue came up arising from the disability technology problem and the investigation that is taking place at the Social Security Administration.

I recognize this implementation took place before she was in the position she is now in, but she is in a position of responsibility at the Administration. So until that investigation is complete, I think it would be a rush to judgment to confirm her for the position.

I don't get up and oppose many people on the floor of the Senate. I take my job very seriously, but I do represent the people of my State—those who are Social Security beneficiaries today and those who will be beneficiaries in the future.

I was reading an announcement today about the chief counsel, who is also the State director in my office in Georgia, Edward Tate. He and his wife recently had a baby, Whitaker McMullan Tate, born 4 months ago. Seventy years from now he will probably be a beneficiary in the Social Security Administration. We have to fix it in some way so it is there for him in the future.

I want to make sure the appointees we approve in this Senate are appointees—while they have the Social Security Administration under their care—who will do the things I would want them to do so when I am long gone, those children who will be beneficiaries in the future will have the funds and the money and the Administration to see to it that they are paid.

Reluctantly, but for reasons of commitment, I object to the advancement of the nomination of Carolyn Colvin to the Social Security Administration.

I yield the floor.

Ms. MIKULSKI. To be continued.

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

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

TAX INCREASE PREVENTION ACT

Mr. HOEVEN. Mr. President, I am here this afternoon to talk about the Tax Increase Prevention Act. I have been speaking on this issue and I intend to speak on it until we get this legislation passed. I am hopeful that we will get this legislation moved tonight or maybe even tomorrow. But in any event, we need to get this very important legislation passed this week to make sure that taxes don't go up on our small businesses, farmers, and the hard-working citizens of this country. That is why I have been down talking about the legislation and its importance, and I have also been presenting and reading letters and emails from my constituents who have been contacting me about the importance of getting this done. I want them to be heard because they know very well how heavy their tax burden is and why we need to make sure they get relief for their families and for their businesses. I am talking about family farmers, men and women who work long hours and long days on the farm. I am talking about small business owners, manufacturers, shopkeepers, the whole gamut of small businesses across this great country, your neighbors and mine.

First I am going to talk about some of the provisions in the legislation. I am going to start with one that is incredibly important for farmers in my State but really for small businesses across the country, as I said earlier. That is the section 179 small business expensing and depreciation provision.

The section 179 small business expensing limitation and phaseout amounts in effect from 2010 to 2013 through 2015: Taxpayers can expense up to \$500,000 of acquired business property, rather than the current level of expensing \$25,000 and \$200,000 respectively. The \$200,000 is on the depreciation.

The section 179 expensing and depreciation provision is very important for small businesses. It is very important that we get it in place now because they are doing their year-end planning, and they are doing their tax planning. They need to know the rules of the road. They need to know what they can expense and what they can depreciate and how much. It is not just an issue of preparing their tax returns; it is also very much an issue in terms of their planning for next year. What equipment do they buy? If you are a farmer, what ag equipment do you buy? If you are a small manufacturer, what manufacturing equipment do you buy? What repairs do you do? Can you expense those repairs or do you have to go through an elaborate process of setting up a depreciation schedule and then depreciate that repair over a long period of time?

These are things that make it very difficult to do business for small businesses and also impede their willingness and their ability to go out and buy equipment and to make those needed repairs to keep their operation running. That hurts our economy. That hurts job creation in our country. It is very important. The section 179 provision is incredibly important to our farmers and small businesses throughout the country.

Also, another very important provision is the bonus depreciation for property that is placed in service during 2014 or, in some cases, 2015 for property with a longer production period. If we are not allowed to take that depreciation, you may not buy that new equipment. If you don't buy that new equipment, obviously that has ramifications all the way through our economy.

There are eight provisions in the legislation for individuals, including the deductibility of State and local sales tax, the deduction of certain expenses for elementary and secondary schoolteachers, the extension of the above-the-line-deduction for qualified tuition, and the extension of tax redistributions from individual retirement plans for charitable purposes.

Also included in the legislation are a total of 30 business-related provisions in addition to section 179 and the bonus depreciation. They are very important and make a big difference in terms of the taxes our businesses will be required to pay.

The legislation includes the research and development tax credit that allows companies a 20-percent credit for incremental qualified research expenses or a 14-percent alternative simplified credit for R&D performed in the United States. I will use an example. We have a large Microsoft location in my State, in Fargo. They employ more than 1,700 people at their campus in Fargo.

I am going to use Microsoft as an example. Microsoft is on a pace to spend over \$12 billion on research and development this year, primarily on U.S. jobs. Other countries are competing for the same R&D investment from Microsoft and other companies. Many of them have lower corporate income tax rates, they have stable R&D incentives, and plenty of research and development talent. A consistent and stable U.S. R&D tax credit gives businesses such as Microsoft an incentive to invest and do that research and development in the United States versus some other country.

Again, we are talking about not only economic activity and jobs in our country, but we are talking about innovation right in our country that drives job creation and economic growth. As I said, the real key, I believe, is the impact this legislation has on small business across this country. Small business is the backbone of our economy.

I want to take a few minutes to read some more of the letters and emails I have been receiving on the importance of passing this legislation and putting

in place the section 179 expensing and depreciation for our small businesses.

The first letter I am going to read is from Wayne Hauge, a CPA from Ray, ND, a small town in North Dakota. He is speaking on behalf of many of his clients. He writes:

Senator Hoeven, what about the IRC Section 179? \$25,000 is far too low of a limit, and should be eliminated if that is all that can be expensed in a year. Far better would be reinstating prior limits and making such a change permanent.

A farmer does not plan a crop after you've harvested it. You plan it a year in advance. Income tax planning is the same. It is an extremely poor financial planner who decides to buy something based on an ever-changing tax policy, and after the fact.

I realize the political system in this country is stagnated, with refusals by both parties to agree on anything. But the time is now to put some semblance of future planning back on the table and help us to stay on top of the game, rather than whining about what should have been done.

We owe it to Wayne and his clients to get this bill done before we leave.

Here is another one. This one is from Mike Van Gorkom with Titan Machinery in Wishek, ND. Titan Machinery is a dealer for Case IH, Case Construction, New Holland, and New Holland Construction. Titan Machinery also represents Titan Rentals, Titan Aggregate, and a varied list of short-line equipment to meet specialized customer demand and niche product needs.

I was just wondering if anyone can tell me when to expect a vote on extending Section 179 tax deductions. I have been following this bill along with many of my customers. Many farmers are waiting to purchase equipment from me until they find out if they can use it for this year's deductions or wait until next year. Thank you and have a nice day.

Lawrence D. Stockert, a small business owner in Bismarck, ND, wants to purchase new equipment this year, but he is not certain he can because we have yet to pass the tax extender package. He writes:

I would like to know if there is a possibility for the Senate to pass the increases in the Section 179 depreciation rules. The previous year's provision enabled me to buy new equipment. Can you take this bill to the Senate and get it passed? I would like to purchase additional equipment this year as well.

Then from Stephen Stafki, vice president of service, General Equipment & Supplies in Fargo, ND. He is concerned about the bonus depreciation provision in the extender package. The Tax Increase Prevention Act extends the 50-percent bonus depreciation to property acquired and placed in service during 2014 or 2015 for certain property with a longer production period. He writes:

Senator Hoeven, I am writing to you to express my support for passing bonus depreciation before the end of 2014. As a small business owner this legislation is crucial to us and our customer base. I truly hope you will fight to push this legislation through Congress and garner enough support to be able to override any Presidential veto.

The last letter I would like to read today comes from Jay Hansen of Fargo, ND. It is especially telling, because like the earlier letter I read from

a CPA, he is also a CPA. Essentially he is speaking for the 1,000 farmers whom he does work for.

My name is Jay Hansen. I am a CPA working for Iver Eliason CPA PC in Minot, ND. We have approximately 1,000 farm clients who rely heavily on depreciating farm machinery as part of their overall tax planning strategy. With the discussion regarding the tax extender bill being on the agenda before the end of the year, we are curious to know if you have any insight on what we can expect and when we can expect it. Any information you can provide me regarding the Section 179 expense deduction would be greatly appreciated.

So time is of the essence. We are days from the end of the tax year, days away from the holidays. Millions of Americans are depending on us to spare them a burden that will hurt their businesses and hurt their families. If we do not act, taxes will go up on hard-working Americans, on small businesses across this country, on farmers. So we need to act. We need to make sure that does not happen. We need to pass the legislation we have here on the floor. We need to get it done now.

So I urge my colleagues to join together in bipartisan fashion and get this done. Let's pass the Tax Increase Prevention Act and make sure we do not see a tax increase on our small businesses and the hard-working taxpayers of this great Nation.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, we are winding down the end of this year and, indeed, the end of this Congress, and I am here today to give the last "Time to Wake Up" speech in this Congress. I am particularly pleased to be delivering it while my friend from West Virginia is presiding. He actually took the trouble to come to Rhode Island and hear firsthand about what is happening in my State on these issues.

The year that is ending now ushered in some mighty dubious milestones. January through November 2014—the year so far—were the hottest first 11 months of any year recorded. Unless something dramatic changes in December, 2014 is on track to be the hottest year since we began keeping records back in 1880. That would mean that 14 of the warmest 15 years on record were in this century. According to the World Meteorological Organization's secretary general, "There is no standstill in global warming."

This chart shows the decades-long rise in the ocean's heat content from the surface down to a depth of 2,000 meters—a little over 1 mile. Look at 2005 to 2014, the red part. NASA estimates that the amount of energy needed to

account for that much warming in that much ocean is equivalent to four magnitude-6.0 earthquakes occurring every second for those 9 years. Four 6.0 earthquakes every second for 9 years would create the kind of energy necessary to warm that much. Well, obviously it wasn't earthquakes that did it. We would have known about that. And the first law of thermodynamics—conservation of energy—decrees that all that heat in the ocean had to come from somewhere. The near certain source of that heat is increased greenhouse gases, mostly carbon pollution trapping heat from the Sun.

Since the rise of fossil fuel energy, we have been on a carbon binge. As long as humans have been on the Earth, we have existed safely in a range of about 170 to about 300 parts per million carbon dioxide in the atmosphere. This year the concentration of carbon dioxide in the atmosphere, measured at the famous Mauna Loa Observatory in Hawaii, exceeded 400 parts per million for more than 3 months. Archeologists estimate that our human species has been around on this planet for about 200,000 years. The Earth last saw such high levels of carbon as 400 parts per million for that long a period more than 800,000 years ago.

Oceans have absorbed more than 90 percent of the excess heat that the carbon has trapped. As seawater warms—we all know by the law of thermal expansion—it expands, and as a result sea levels rise. Satellite measurements show that in this period, global average sea level rose about an inch. NASA's Jet Propulsion Laboratory attributes about one-third of global mean sea level rise to the warming of the upper ocean. Combine that with the melting of glaciers on land, and you can see that climate change is significantly increasing sea level worldwide. In my home State I see this. And the Presiding Officer was there. The Newport tide gauge records nearly 10 inches more water than it did in the 1930s.

Carbon pollution in the atmosphere also dissolves in the ocean. It doesn't just warm it up, it dissolves in it. When it dissolves in it, it makes it more acidic. Indeed, the extra carbon dioxide that humans have pumped into the oceans has caused a nearly 30 percent increase in the acidity of the upper ocean, which means a lot for shellfish, such as mussels and clams and oysters, that make their shells from calcium carbonate because calcium carbonate dissolves in acidified seawater.

In July 2014 a Maine oyster farmer—a guy named Bill Mook—came to the Environment and Public Works Committee and described for us the difficulty his oyster crop—his oyster spat, they call it—had maturing. Here is what he said:

Through observation, trial, and error, we reached the same conclusion made by researchers using controlled, replicated experimentation. Acidification is not a future problem. It is a problem now, and it will only get worse.

He said it is a problem now and it will only get worse.

Measurements of the atmosphere and ocean tell us that climate change is real. We already see the harm connected with it in storm-damaged homes, flooded cities, drought-stricken farms, and raging wildfires, in fish disappearing from warming, acidifying waters, in shifting habitats and migrating contagions. Climate change loads the dice for these events, which carry real costs to homeowners, business owners, and taxpayers. A key cause is undeniably carbon pollution.

Some of my Republican colleagues continue to deny that climate change is even happening or at best they will stand mute in the face of the changes we see, in the face of so much evidence. "I am not a scientist" is all we get from some. Well, if they are not scientists, maybe they should ask one. Ask NOAA. Ask NASA. Ask our National Academies. If a Senator doesn't know what they are talking about, they should study up. That is our job. If they can't be bothered to ask a scientist, then look at what the military is saying about climate change or what the business community is saying.

The military's 2014 Quadrennial Defense Review, for example, offers a straightforward assessment of the threat climate change poses to national and international security. Even in Pentagon bureaucratese, the assessment is pretty harsh:

Climate change poses [a] significant challenge for the United States and the world at large.

Climate change may exacerbate water scarcity and lead to sharp increases in food costs. The pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world.

The Pentagon also released a Climate Change Adaptation Roadmap this year, detailing the military's plans for a changed climate. The report states in no uncertain terms:

Climate change will affect the Department of Defense's ability to defend the Nation and poses immediate risks to U.S. national security.

That would seem to me to be a phrase worth listening to.

The business and financial community also see climate risk. Former Bush Treasury Secretary Hank Paulson teamed up with former New York City business tycoon and Mayor Michael Bloomberg, former Republican Senator Olympia Snowe, and others, to put together an evidence-based assessment of the risks posed by climate change to the U.S. economy. Their report found that between \$66 billion and \$106 billion worth of existing American coastal property will likely be below sea level by midcentury. That pricetag could top \$500 billion by the end of the century.

They also found extreme heat could reduce labor productivity of outdoor workers by as much as 3 percent by the end of the century.

They found that shifting agricultural patterns could cause States in the Southeast, the lower Great Plains, and Midwest to see a 50- to 70-percent loss in average annual crop yields. It is a risk we would be reckless to ignore.

One bright light of 2014 has been the proposed limits on carbon emissions from existing coal plants announced this year by the Obama administration. The new standard will not only reduce emissions, it will change the way the polluters think. Now that it is no longer going to be free to pollute, I suspect some new thinking by polluters will be followed in short order with some new thinking on the other side of the aisle here in the Senate.

Another bright light of 2014 was the Obama administration's carbon-reduction agreement with China, the world's largest carbon polluter now, followed by news this weekend from Lima that every nation in the world is expected to put forward a plan to rein in its carbon pollution.

The public is with us on this, too. A recent poll released by the insurance firm Munich Re showed that 83 percent of Americans believe the climate is changing.

THE PRESIDING OFFICER. The Senator's time has expired.

MR. WHITEHOUSE. I ask unanimous consent for 1 additional minute to conclude the page in front of me.

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

MR. WHITEHOUSE. Seven Americans in ten say we should use more solar and wind power to battle climate change. An AP poll released this week said that half of Republicans favor regulations on carbon dioxide emissions.

In 2014, the physical evidence of climate change continued to mount. Our military, our business leaders, our President, and the American people all affirmed their commitment to fending off the worst effects of carbon pollution. So in 2015, Congress will need to step up to the plate.

I have introduced carbon fee legislation that would provide a practical tool for getting this done. By charging a fee on carbon pollution, we can correct the market failure that lets polluters unload the costs of their pollution on the rest of us, and compete unfairly in energy markets. We can use those proceeds to reduce other taxes. Most important, we can significantly reduce harmful carbon pollution. We just need to wake up. Maybe 2015 will be the year.

I thank the Senator from Oklahoma for his courtesy, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

SOCIAL SECURITY DISABILITY PROGRAM AND FRAUD

MR. COBURN. Mr. President, I hope not to use all our remaining time. But I come to the floor to talk about an issue that should be very important to every American.

In less than 20 months, the Social Security Disability system will be bankrupt—out of money. That may sound

like just a scare tactic, but that is what the trust fund trustees say. And we have known this for some time.

My colleague CARL LEVIN, as chairman of the Permanent Subcommittee on Investigations, and myself as ranking, have spent a great deal of time overseeing Social Security disability. We issued a report that had some pretty remarkable findings in it. I thought I would go through some of those findings today, because I have two major concerns.

One is that those people with true disabilities are going to see in 18 months a 20-percent cut in what they get paid each month, and they are barely surviving on the disability payments we give them today.

The second thing is the failure of the Justice Department, when handed an absolutely, totally perfect case to prosecute criminals taking advantage not only of people with disabilities but other people of this country.

Social Security disability insurance is an important safety net for a large number of people—about 11 million—in this country. In the past 5 years, we have gone from 11 million to 14.1 million applications for disability—some of that is associated with our recession, but some with true injury.

We started out very meticulously as we looked at this, and I wish to applaud some of the employees of the Social Security Administration because they were the ones who highlighted to me—people who worked in the Oklahoma City Social Security office—the lousy quality of what was happening as these were being processed.

So what we did is we went to the Social Security Administration and we asked them to randomly select 300 case files—100 each—from 3 different geographical locations throughout the country. That included Oklahoma County, in my home State.

What we looked at was a large random number of cases, most of them drawn from decisions made by the Social Security Administration's 1,500 administrative law judges.

What we found, using Social Security's own criteria, was that 25 percent of the cases were decided absolutely erroneously, according to their own rules and their own guidelines.

But that didn't surprise the Social Security Administration, because they had been looking at it all along and they knew that, according to their records, 23 to 24 percent of all the cases had been being decided erroneously.

Our second step was to look where we saw this abuse at the highest, and that was in the Huntington, WV, Social Security Disability Hearing Office. So Senator LEVIN and I set our investigators about doing a total and comprehensive investigation of that office.

The problems we found there were similar to the problems we found in our prior investigation in these three other offices, except much worse. The Huntington office got our attention in part because it processed more disability

cases than almost every other Social Security office in the Nation—much of that to just one attorney by the name of Eric Christopher Conn.

Despite practicing in a town of only 500 people, Mr. Conn had become the third highest paid disability attorney in the entire United States. He helped thousands of people get on to the disability program, and in 2010 he received \$4 million in payments from the Social Security disability program. The only other attorneys receiving more from SSA were Charles Binder of Binder and Binder—who, I noticed, filed bankruptcy this week—who received \$22 million; and Thomas Nash of Chicago who received \$6.3 million.

When we looked more closely at Mr. Conn's operations, what we found were reasons for serious concern. While some of what Mr. Conn did involved outright fraud—which we have documented and proven—at times he was simply able to exploit loopholes in Social Security's system. Both of those things should be a concern to Congress.

To ensure the cases were approved and his attorney fees kept flowing, Mr. Conn colluded with an ALJ in the Huntington office by the name of David B. Daugherty. The two men worked together to award hundreds of millions, if not billions, of dollars in fraudulent disability claims. This is an administrative law judge.

The plan involved several calculated steps. First, Judge Daugherty needed to ensure that Mr. Conn's cases were assigned to him. Normally, agency rules require cases to be assigned to the ALJs on a rotational basis, with the oldest case being assigned to a hearing date first. This way, no one administrative law judge receives too many of one attorney's cases.

Judge Daugherty, however, would at times intercept Mr. Conn's cases and assign them to himself. If cases would slip past him and get assigned to another judge, Judge Daugherty would inappropriately go into the computer system and move the case to his jurisdiction.

The next step in the plan involved Judge Daugherty calling Mr. Conn's office every month to let them know what kind of additional evidence he needed for each client to be able to award disability benefits. Judge Daugherty started the monthly call by relaying the name and Social Security number of each person he was ready to approve. He would then say whether the new piece of evidence should relate to a mental or a physical medical impairment. The list of claimants would then be typed up by employees in Mr. Conn's law firm. Mr. Conn's staff referred to these monthly lists as the DB lists—the David B. Daugherty list.

We reviewed these DB lists, every one of them, from June 2006 through July 2010. Each list contained as many as 52 names each month. In total, the DB lists from that time period contained the names of 1,823 claimants who were all approved for disability benefits.

After Judge Daugherty told Mr. Conn the kind of medical evidence he needed, the next step shifted to Mr. Conn to ensure a doctor provided that evidence. Fortunately for Mr. Conn, he had a crew of doctors in his pocket, ready to provide what he needed.

To find doctors willing to go along with him, Mr. Conn searched the Internet for ones with checkered pasts. The doctors Mr. Conn used often had histories of malpractice and some had medical license revocations in multiple States. In fact, Mr. Conn's "go-to" doctor was the subject of numerous malpractice lawsuits and even had his medical license revoked and suspended in several States. Mr. Conn scheduled the DB list of claimants to be seen by his doctors. The doctors spent as little as 15 minutes evaluating each claimant and sometimes saw 35 to 40 claimants a day. Mr. Conn paid the doctors that he knew \$500 for each claimant they saw.

The doctors would complete a form used by the agency to determine a claimant's residual functional capacity to work in any job available in the national economy. While the evidentiary forms provided by the doctors were supposed to be specifically tailored to the physical or mental impairments of each client, all of Mr. Conn's forms were the same. They were prefilled out. He had 15 versions of the physical form and 5 versions of the mental form that were rotated among the clients. As a matter of fact, a committee determined that 97 of Mr. Conn's claimants approved by Judge Daugherty had exactly the same residual functional capacity—a statistical impossibility. It could not happen.

Mr. Conn would then submit the RFC forms—the residual functional capacity forms—with a brief description of the claimant to Judge Daugherty. Judge Daugherty would then approve the claim for benefits in an abbreviated decision, determining the evidence presented by Mr. Conn outweighed all the other evidence in the claimant's medical file. At times, the medical evidence Judge Daugherty ignored could be thousands of pages long.

The plan made Mr. Conn millions. In 2010 SSI paid Mr. Conn almost \$4 million in attorney fees, making him the third highest-paid attorney in the country. In turn, he paid out almost \$2 million to the doctors who were giving the unscrupulous, ill-advised, and absolutely erroneous premanaged outcomes. Judge Daugherty, mysteriously, under our subpoenas had received some \$100,000 in unexplained cash deposits into his bank accounts during this time. But Judge Daugherty wasn't approving just Mr. Conn's cases. In the last 5 years of working for the agency, Judge Daugherty awarded more than \$2.5 billion in disability benefits. During that period, he approved more cases than any other ALJ in the entire United States.

There was another judge, Chief Judge Charlie P. Andrus, who played a major role in approving the fraudulent

claims. He allowed Judge Daugherty to decide a high number of claims. He and Judge Andrus enjoyed accolades and national recognition. The Huntington office rose to have the second fastest processing time in the entire country. No wonder—they didn't actually process claims. It was a slam dunk. You get under Judge Andrus, you get under Judge Daugherty, you get Eric Conn, and you get approved—no matter whether it is true or not. Mr. Andrus, as the acting superior judge, did nothing to stop Mr. Conn and Judge Daugherty. He actually colluded with Mr. Conn to target a whistleblower from his own office.

The second thing I would note about Judge Andrus was he was not truthful in his testimony before the committee under oath, and we have evidence of his lying to the committee under oath.

When all of this was exposed, the agency put Judge Andrus on paid administrative leave and filed a claim with the Merit Systems Protection Board. That was in January of 2013.

In 2014 Mr. Andrus voluntarily retired according to a decision from the Merit Systems Protection Board. The complaint the agency filed against Mr. Andrus charged him with conduct unbecoming an ALJ; engaging in an apparent conflict of interest; lack of candor; and unauthorized disclosures.

Despite these charges, as part of the settlement agreement, the agency agreed to refrain from pursuing any disciplinary action against Andrus and to provide a neutral reference to prospective future employers. Andrus retired with his pension. So a crook retires with their pension. So no disciplinary action is taken against Charlie Andrus, even after he turned a blind eye for years and allowed Judge Daugherty to award billions of dollars in disability benefits, admitted he conspired to retaliate against an employee, and was untruthful to Congress under oath. Nor has the Department of Justice taken any action against Mr. Conn or Judge Daugherty. In fact, Mr. Conn continues to represent disability claimants before the Social Security Administration—these two men who actively committed fraud on one of the most important safety net programs our government runs.

We should not let the actions of these individuals go unpunished. But that is what is happening. I recently had a visit with the IG from the Social Security Administration, Mr. Patrick O'Carroll. At this point the U.S. attorneys in West Virginia and Kentucky had both recused themselves and declined to prosecute Mr. Conn. Now I wonder what he has over them. I wonder what it is when you have a closed case—a prosecutorial case that you have to do no work on—and the U.S. attorneys will not prosecute a thief of the highest order. Since both U.S. attorneys recused themselves, Mr. O'Carroll is now trying to convince the Criminal Division of the Department of Justice here in Washington, DC, to

take action. But to date no charges have been filed against Mr. Conn, Judge Daugherty or Judge Andrus.

If they do not take action against Mr. Conn, the Justice Department is sending a message that disability fraud will go unpunished. We need to be sending the opposite message—that these types of fraudulent practices by attorneys like Eric Conn must be prosecuted to the fullest extent of the law—otherwise the disability program, no matter how much oversight we do on it, will continue to be abused, leaving those Americans who have no choice but to rely on it with less than what they expected.

I would add one final statement. In working with a lot of the disability community, we introduced this week what we hope the Congress will take up in future years as a reform to the disability program that takes the fraud out of it—the opportunity for fraud—that takes the ability actually to hold people accountable and also gives back the dignity to those who can get back to work and uses that to help them accomplish that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I certainly appreciate all the remarks the Senator from Oklahoma has said. He is one of the great Senators of all time, as far as I am concerned.

I ask unanimous consent that I be permitted to give this statement, which shouldn't be much more than 15 minutes.

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

TRIBUTE TO DEPARTING SENATORS

Mr. HATCH. Mr. President, as we wind down the final days of the 113th Congress, it is a good time both to reflect on the past and to look toward the future. I have been very moved as I listened to the farewell speeches of our departing Senators, and I wish I had time to pay tribute to each one of them. They have all been wonderful colleagues, and I enjoyed working with and getting to know every one of them. I wish them all the very best in all their future endeavors. They will most certainly be missed.

In terms of the future there are a number of challenges before us. We have an economy that despite recent upticks is still struggling. We have a national debt that despite recent reductions in the deficit is headed toward astronomical levels, and we have a pending crisis with our entitlement programs that threatens to swallow up our government and take our economy down with it. I believe we can fix these problems, but it is not going to be easy.

TAX REFORM

Today I would like to take a few minutes to talk about a particularly important effort that I believe will help address some of these fundamental changes and challenges. I am talking about tax reform. Over the last few

years I have spoken numerous times on the floor and elsewhere about the need to fix our broken Tax Code. I would understand if there are some who tire of hearing me talk about tax reform, but that doesn't mean I am going to stop any time soon.

Tax reform is no longer optional but essential. If we are going to get our economy moving again, we need a Tax Code that will stop standing in the way. Make no mistake. Promoting job creation and economic growth is the first and most important step we need to take in order to address our Nation's most pressing problems. This is no secret to anyone in this Chamber. I don't believe I have been blessed with unique insight into these matters. We all know what we have to do and that, in and of itself, is pretty remarkable. Indeed, with all the partisanship and division we have seen over the past few years, there is bipartisan agreement on the need to reform our tax system. There are disagreements on the details that cannot at this time be overlooked, but on the basic question surrounding the need for reform, people in both parties have reached the same answer: Reform is necessary, and it needs to happen sooner rather than later.

My hope is that today I can say a few words that will help to set the stage for our reform efforts in the near future. Last week I released a report drafted by my staff on the Senate Finance Committee entitled "Comprehensive Tax Reform for 2015 and Beyond." This report—I have been calling it a book because it is 340 pages long—outlines the major issues policymakers would have to confront as we undertake tax reform. It describes where we are with our current Tax Code, where we have been, and most importantly, it gives some direction as to where we should go with our reform efforts in the future. I hope all of our colleagues will take time to read through it.

I need to be clear. This is not a tax reform plan. It is a discussion of ideas and principles that I hope will be the first step in a renewed bipartisan effort to reform our Nation's Tax Code in the very near future. More than anything, I hope my colleagues will view this book as an invitation to work together in this most important endeavor.

As I outlined in the book, tax reform, in my view, should be undertaken with a set of simple principles in mind. The most important principles are the three set out by President Reagan the last time Congress was able to pass a major tax overhaul, nearly three decades ago. President Reagan's first principle, and in my view the most important, is economic growth. Tax reform should significantly reduce many of the economic distortions that are present under the current income tax system and promote growth in our economy. It should eliminate the anti-competitive nature of the current tax system, such as the high U.S. corporate tax rate, which stifles job growth. High marginal tax rates are present up and

down the income scale and they act as disincentives for work, entrepreneurship, and investment. These growth deterrents—which are embedded nearly everywhere in our Tax Code—should be eliminated.

President Reagan's second principle was fairness. The income tax base, which has become riddled with exclusions, exemptions, deductions, and credits, should be as broad as possible. Tax reform should reduce the number of tax expenditures, thereby broadening the tax base while simultaneously lowering tax rates. A broader tax base coupled with significantly lower tax rates is the basis of what would be a much fairer tax system.

The final principle outlined by President Reagan was simplicity. Our Tax Code has grown to almost four million words. Today, approximately 59 percent of American households use paid preparers to do their individual income taxes and another 30 percent use tax software to assist them. Taxpayers and businesses spend over \$168 billion annually. That is larger than the size of the entire economy of New Zealand, and an amount that would employ more than three million workers full time at an hourly wage of \$25.

A simpler Tax Code would greatly reduce these compliance costs, resulting in greater efficiency and compliance by American taxpayers. Let's unleash resources from being devoted to figuring out or gaming our broken Tax Code and make the resources available for job creation.

The three principles from President Reagan would be vital to our tax reform efforts. But, as I said, it has been nearly 30 years since Congress tried to put President Reagan's principles into action. Much has changed in that time. In order to address the needs of today, additional principles are necessary.

One of those principles is permanence. The Tax Code needs certainty. The Joint Committee on Taxation lists almost 100 tax provisions that will expire between 2013 and 2023. Individuals and businesses need to be able to rely on provisions in the tax law for planning purposes. The lack of certainty in our tax laws hinders job creation and stifles economic growth. We need a tax system that no longer threatens to change from year to year.

Another important principle is competitiveness. The combination of a high corporate tax rate, worldwide taxation, and the temporary nature of some tax incentives make U.S. companies less competitive when compared to their foreign counterparts. In addition, U.S. multinationals are discouraged from repatriating foreign earnings because of the U.S. corporate tax that applies at the time of repatriation—a corporate rate that is the highest in our industrialized world.

Tax reform should reduce the high tax rates on businesses and also achieve neutrality through a competitive international tax system, thereby placing worldwide American companies

on a level playing field with their foreign competitors when conducting business in other countries. The result would be more worldwide American companies establishing or retaining their corporate headquarters in the United States, more exports to global markets, and retention and investment of money in the United States rather than abroad.

Promoting savings and investment is another important principle. Many aspects of the U.S. income tax system discourage savings and investments by individuals, thereby hindering long-term growth. Tax reform should result in a tax system that actually encourages people to save and invest.

Last, but certainly not least, there is the principle of revenue neutrality. I know this will be a sticking point for some, though, for the life of me I can't see why. If we are scouring the Tax Code looking for ways to squeeze more revenue to fuel government spending, we are not reforming the Tax Code, we are raising taxes. It is as simple as that.

Tax reform should not be used as an excuse to raise taxes on the American people or on U.S. businesses. Any effort to use tax reform as a revenue-raising exercise is a needless distraction. Anyone who believes that the American people are currently undertaxed should look at historical trends.

According to the Congressional Budget Office, Federal revenues are set to exceed historical averages as early as next year and will remain that way. We can talk about shoring up deficits and paying for spending, but we should not be looking to the Tax Code as a resource for additional revenue.

If you count up these principles—including those established by President Reagan, and the ones added since—there are seven in total. In my view, these seven principles should serve as guideposts for our tax reform efforts. Any idea or proposal we consider should link back and be relevant to at least one of these principles. The best ideas and proposals should probably link back to all of them.

As I said, the book we released last week outlines these principles and also provides a wealth of background information about our Tax Code and the need for reform. I view it as a first major step in a tax reform effort that I hope will get underway early next year.

In the coming weeks and months, I plan to reveal additional steps. I plan to involve many of my colleagues on both sides of the aisle, particularly those who will be joining me on the Senate Finance Committee.

My hope is that as this conversation continues, a path toward real bipartisan tax reform will begin to take shape. Of course, it will take more than just talk and discussion. It will take hard work, commitment, and, of course, compromise.

I said it many times before, and I will say it again today: I am willing to

work with anyone, Republican or Democrat, to reform our Nation's Tax Code, and I look forward to continuing this effort in the 114th Congress, and, if necessary, beyond.

I yield the floor.

The PRESIDING OFFICER (Ms. WARREN). For the information of the Senate, as of 5 p.m., the time until 6 p.m. is equally divided in the usual form.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise to discuss my opposition to the pending vote concerning Mr. Anthony "Tony" Blinken, who is not only unqualified, but, in fact, in my view, one of the worst selections of a very bad lot that this President has chosen.

I hope that many of my colleagues will understand that I do not come to the floor to oppose a nomination of the President of the United States often because I believe that elections have consequences. In this case, this individual has actually been dangerous to America and to the young men and women who are fighting and serving our country.

Mr. Blinken has been a foreign policy adviser to Vice President BIDEN since his days in the Senate, but as Robert Gates has noted, Mr. BIDEN has been "wrong on nearly every major foreign policy and national security issue over the past four decades."

At the Special Operations Fund Annual Meeting on May 6, 2013, Mr. Blinken discussed a number of the administration's achievements, including, one, ending the war in Iraq responsibly; two, setting a clear strategy and date for the withdrawal from Afghanistan; three, decimating Al Qaeda's senior leadership; and four, repairing our alliances and restoring America's standing in the world.

That is as Orwellian as any statement I have ever heard. Each and every issue—the conditions are a far cry from the so-called achievements that Mr. Blinken describes.

In his capacity as an assistant to the President and Deputy National Security Adviser, Mr. Blinken has been a functionary and an agent of a U.S. foreign policy that has made the world much less safe today.

Let's review some major elements of that policy, and in particular, Mr. Blinken's role in conceptualizing and furthering it.

U.S. foreign policy is in a shambles. It is, at best, astrategic, and at worst, anti-strategic. It lacks any concept of how to obtain our foreign policy goals. This has led to countless foreign policy failures, including the continued slaughter of the Syrian people by President Bashar al-Assad; the Russian reset that culminated with President Putin's invasion of Ukraine; the betrayal of our key allies, especially in Central Europe, not to mention Israel; failing to achieve a status-of-forces agreement that would help to maintain Iraqi security and stability; following similarly unwise strategies in Afghanistan—we will see the same movie in Afghanistan that we saw in Iraq if we

have a date-driven withdrawal rather than a status-driven, conditions-driven situation; and our feckless position in negotiations with Iran on nuclear weapons that has failed to produce any progress towards an agreement.

I could go into many other failures, such as the vaunted Geneva Convention of 40 nations that was supposed to arrange for the transition of power from Bashar al-Assad and the object failure of the Israeli-Palestinian peace talks, and what will either be an imminent failure of an Iranian nuclear weapons agreement or an agreement that will be disastrous in the long run.

There are two common sayings by the administration officials, not me, that have defined the President's approach to foreign policy: "Leading from behind," and "Don't do stupid [stuff]." These approaches have resulted in a failed foreign policy that has made America and Americans less safe.

Even President Obama's most strident supporters have begun to question the President's foreign policy decisions.

In an article entitled "Damage to Obama's Foreign Policy Has Been Largely Self-Inflicted," the Washington Post's David Ignatius, a key supporter of the administration's foreign policy goals, wrote, "At key turning points—in Egypt and Libya during the Arab Spring, in Syria, in Ukraine, and, yes, in Benghazi—the administration was driven by messaging priorities rather than sound, interests-based policy."

What has Mr. Blinken had to say about all of these issues, my friends? I will give you a few examples.

On Iraq, at the Center for American Progress, on March 16, 2012—I am not making this up—Mr. Blinken said:

What's beyond debate is that Iraq today is less violent, more democratic and more prosperous—and the United States more deeply engaged there—than at any time in recent history.

Less violent, more democratic, and more prosperous.

At a White House briefing on March 16, 2012, Mr. Blinken said:

President Obama and Vice President Biden came to office with this commitment: To end the Iraq war responsibly.

Both parts of that sentence are critical.

End the war.

Responsibly.

Under the leadership of President Obama and Vice President Biden, who the President asked to oversee our Iraq policy—and who has made 8 trips to Iraq since being elected—we have followed that path to the letter.

He went on to say:

At every significant step along the way, many predicted that the violence would return and Iraq would slide backward toward sectarian war.

Get this. He said:

Those predictions proved wrong.

He went on to say:

Over the past three years, violence has declined and remains at historic lows—even after we completed the drawdown of U.S. forces late last year.

Remember, he said this in 2012.

Weekly security incidents fell from an average of 1,600 in 2007–2008 to fewer than 100 today.

He went on to say:

And in December, after more than eight wrenching years, President Obama kept his promise to end the war—responsibly.

And, while Iran and Iraq will inevitably be more intertwined than we, and many of its neighbors, would like, one thing we learned, over more than eight years in Iraq is that the vast majority of its leaders, including the Prime Minister—

Who at that time was Prime Minister Maliki—

—are first and foremost Iraqi nationalists and resistant to outside influence from anywhere—starting with Iran.

Everybody knows that the Iranians are probably the most influential nation in Iraq, certainly under Maliki.

On foreign policy, December 27, 2013, he said:

If we still had troops in Iraq today, the numbers would have been very small. They would not have been engaged in combat. That would not have been their mission, so the idea that they could or would have done something about the violence that is going on now in Iraq seems, to me, detached from the reality of what the mission would have been had they stayed in any small number.

Now you don't have to take my word for it. Take the word of Secretary Gates, Secretary Panetta, Ambassador Crocker, and any knowledgeable person about Iraq, and I will insert their quotes for the record, including Ambassador Crocker, who said: "Of course we could have left a residual force behind." Both Panetta and Gates said the same thing.

At no time was there a public statement by the President of the United States or Mr. Blinken that they wanted to very seriously. In fact, they trumpeted the fact that the last American troop at that time—now we have many troops back—left Iraq and bragged about what a great day it was.

On Fox News with Chris Wallace, September 28, 2014:

Wallace:

Finally, President Obama spoke to the U.N. this week, but I wanted to ask you about his speech to the U.N., saying—general assembly last year, in which he said we are ending a decade of war. How could the President have been so wrong?

Blinken:

The president was exactly right. What we're doing is totally different than the last decade. We're not sending hundreds of thousands of American troops back to Iraq or Afghanistan or anywhere else. We're not going to be spending trillions of American dollars.

Wallace:

Mr. Blinken . . . he said all our troops left Iraq. In fact, he has just sent at least 1,600 troops back into Iraq. He said we've dismantled the core of al Qaeda. [And yet,] the Khorasan group which you struck in the first day is an offshoot of the core of al Qaeda, and, in fact, follows the direct orders of the leader of al Qaeda, Ayman al Zawahiri.

Blinken:

Chris, they fled. Because we were so successful and effective in Afghanistan and Pakistan, they fled, because we decimated

the core of Al Qaeda. They removed themselves. They went to Syria.

At the Carnegie Endowment for International Peace on October 30, 2014:

The White House "sought to leave a limited residual force" in Iraq, but the Iraqi Government simply refused to agree to legal protections for such troops, said then-Deputy National Security Adviser Tony Blinken, who argued the final decision to withdraw all U.S. troops "was not the result of a failure to negotiate."

"It's something we worked very hard," he said. "But . . . after a 10-year 'occupation,' the Iraqi body politic did not want us to stay in Iraq. That's what happened" . . . We were focused and acting on ISIL and the threat that it posed more than 1 year before the fall of Mosul, but the problem began to outrun the solution fueled by the conflict in Syria, Iraqi reluctance, and renewed sectarianism in Iraq in advance of elections with politicians on all sides playing to their bases.

Statements such as these are so divorced from reality, one can only draw one of two conclusions: either that Mr. Blinken is abysmally ignorant or he is simply not telling the truth for whatever motive there is.

By the way, here is what Ryan Crocker said on Iraq:

As a former ambassador to Iraq from 2007 to 2009, do you think it was a mistake not to push hard for the Status of Forces agreement with Iraq before the U.S. pullout?

I would remind my colleagues, Ryan Crocker—probably the most respected member of our diplomatic corps alive today—said:

I do. We could have gotten that agreement if we had been a little more persistent, flexible, and creative. But what really cost us was the political withdrawal. We cut off high-level political engagement with Iraq when we withdrew our troops. There were no senior visits, very few phone calls. Secretary of State John Kerry made one visit prior to this current crisis, mainly to lecture the Iraqis on how bad they were being for facilitating Iranian weapon shipments to Syrian president Bashar al-Assad. And we left them to their own devices, knowing that left to their own devices, it would not work out well.

So we have Mr. Blinken's comments, and juxtapose them with those of Ambassador Crocker.

Here is what Leon Panetta, Democrat, Secretary of Defense said:

It was clear to me—and many others—that withdrawing all our forces would endanger the fragile stability then barely holding Iraq together.

That is from Secretary Leon Panetta's book.

Then he went on to say:

My fear, as I voiced to the President and others, was that if the country split apart or slid back into the violence that we'd seen in the years immediately following the U.S. invasion, it could become a new haven for terrorists to plot attacks against the U.S. Iraq's stability was not only in Iraq's interest but also in ours. I privately and publicly advocated for a residual force that could provide training and security for Iraq's military.

Then he went on to say, talking about the Pentagon:

Those on our side viewed the White House as so eager to rid itself of Iraq that it was willing to withdraw rather than lock in arrangements that would preserve our influence and interests.

That is a statement by Leon Panetta. I will move on to Afghanistan.
Mr. Blinken said:

We have been very clear. We have been consistent. The war will be concluded by the end of 2014. We have a timetable, and that timetable will not change.

This is why I am so worried about him being in the position he is in, because if they stick to that timetable, I am telling my colleagues that we will see the replay of Iraq all over again. We must leave a stabilizing force behind of a few thousand troops or we will see again what we saw in Iraq.

So let's move on to Syria.

In an MSNBC interview in 2014, responding to a question about President Obama's comment in August 2014 calling it "a fantasy" to say that arming the Syrian rebels 3 years ago would have helped the situation, Blinken:

Fantasy was the notion that had we started to work with these guys—

Talking about the Free Syrian Army—

six months earlier, that that somehow would have turned the tide.

Blinken:

Candy, you know, Assad has been a magnet for the very extremism we're now fighting against. And it is inconceivable to think of Syria being stable with Assad as its leader. He has forfeited his legitimacy. ISIL right now is the wolf at the door. But the answer to both Assad and ISIL actually is the moderate opposition. They need to be built up, so that they can be a counterweight to Assad. In the near term, they need to be built up so they can work on the ground to help deal with ISIL.

Candy Crowley:

So ISIS is the wolf at the door now, but Assad, as far as the U.S. is concerned, is the next wolf at the door?

Mr. Blinken:

We have been very clear that there needs to be a transition in Syria, that as long as Assad is there, it's very hard to see Syria being stable, and he will continue to be a magnet for the extremists we are fighting.

Crowley:

But a transition is not the same as, we will actively help you bring this guy down.

Blinken:

The best way to deal with Assad is to transition him out so that the moderate opposition can fill the vacuum. That's what we have been working on. The more you build them up, the more you make them a counterweight, the more possible that becomes.

Let me just remind my colleagues of what has happened. There is a guy named Caesar who about a year and a half ago smuggled out thousands of pictures. These pictures are the most gripping and horrifying I have ever seen. They were actual pictures which have been authenticated of the atrocities committed by Bashar Assad. They are wrenching, they are heartbreaking, and they are terrible.

Now, 200,000 people have been butchered in Syria, and 3.5 million are refugees; 150,000 are still in Bashar Assad's prison experiencing atrocities such as this. These are little children here. These are little children. They have been massacred by Bashar Assad.

What have we done? What have we done in response to this? First of all, amazingly, these photographs have been authenticated by this guy Caesar. He did testify before the House Foreign Affairs Committee. It didn't seem to rise to the interest of the Senate Foreign Affairs Committee or the American people or this administration.

I was at a refugee camp in Jordan where at that time there were, I think, 75,000 refugees. I was being taken around by a young woman who was a schoolteacher, and she said:

Senator MCCAIN, do you see all of these children?

I said: Yes.

She said: Those children believe that you have abandoned them, Senator MCCAIN, that you Americans have abandoned them, and when they grow up, they are going to take revenge on you.

So here we are, this incredible slaughter, massacre, torture taking place, and what is this administration doing? It is trying to make a deal with the Iranians and leaving Bashar Assad to wreak havoc on the Syrian people who are still able to fight, butchering them with barrel bombs. Most of my colleagues know what a barrel bomb is. It is a huge cylinder, and it is packed with explosives and nuts and bolts and pieces of shrapnel. Bashar Assad, unimpeded, flies his helicopters and they drop these barrel bombs. Then, when they capture these people, this is what is done to them.

Today it is clear that what is happening is that we are attacking ISIS in Syria. We are not attacking Bashar Assad, this butcher. In fact, Bashar Assad has intensified his attacks on the Free Syrian Army—intensified them. Not surprisingly, the morale of the Free Syrian Army is very low.

So General Allen and others have recently proposed a no-fly zone or an aircraft exclusion zone, an idea we have been arguing for, for about 3 years. This President still refuses to do it. It is heartbreaking. It is heartbreaking and it is tragic and it will go down in American history as one of the most shameful chapters because of our failure and the President's personal decision not to arm the Free Syrian Army when all of his key national security advisers—his Secretary of State, Hillary Clinton; the head of the CIA, General Petraeus; and Secretary of Defense, Secretary Panetta all strongly recommended providing arms to the Free Syrian Army.

I will move on to Ukraine. Mr. Blinken:

What Putin has seen is the President mobilizing the international community both in support of Ukraine and to isolate Russia for its actions in Ukraine, and Russia is paying a clear cost for that.

The notion that this is somehow the result of Syria makes very little sense to me. . . . That's because this is not about what we do or say in the first instance, it's about Russia and its perceived interests.

What Mr. Blinken doesn't understand is that weakness in one place translates throughout the world.

When I tell my colleagues, when I tell my fellow citizens that we will not supply the Ukraine people with defensive weapons, they don't believe me. They have watched the country dismembered. They have watched Crimea go. They have watched the shoot-down on an airliner that nobody talks about anymore, and they continue to create unrest and killing in eastern Ukraine, and we will not even supply the Ukrainians with weapons with which to defend themselves.

I see that I am nearly out of time. I would like to say I wish Mr. Blinken's words were matched by his deeds.

At the Holocaust Museum, October 6, 2014, he said:

A new notion is gaining currency: the "Responsibility to Protect." It holds that states have responsibilities as well as interests—especially the responsibility to shield their own populations from the depraved and murderous. This approach is bold. It is important. And the United States welcomes it and has included it as a core element of our National Security Strategy, along with our commitment to prevent genocide and hold those who organize atrocities accountable.

No one can look at those pictures, the thousands, and believe that we have held Bashar Assad responsible.

He ended up by saying:

Endorsing the responsibility to protect is one thing; acting on it is another. All of us in the international community will have to muster the political will to act—diplomatically, economically, or, in extreme cases, militarily—when governments prove unable or unwilling to prevent the slaughter of their citizens.

That is a remarkable statement from an individual whose actions have clearly contradicted that at every turn in literally every corner of the Earth.

I know we will probably lose the vote, but I believe history will hold this administration accountable. History will hold those individuals who are part of this administration, who allowed these slaughters to go on—a dismemberment of a country called Ukraine, the first time a European country has been departitioned since World War II; the needless slaughter of thousands and thousands of Ukrainian men, women, and children, and the thousands and thousands of Syrian children. The list goes on and on.

Now we are going to promote this individual to replace probably the finest diplomat I have known, Secretary Burns. Not only is Mr. Blinken unqualified, but he is, I believe, a threat to the traditional interests and values that embody the United States of America.

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

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

Mr. MENENDEZ. Madam President, I come to the floor in favor of the confirmation of Tony Blinken, who is no

stranger to this institution and no stranger to the most significant national security issues this Nation has faced in a generation.

As the former staff director of the Foreign Relations Committee and a close confidant of then-Chairman Biden and now a member of the President's national security team, he has earned a reputation as hard-working, studious, and keenly analytical. He comes from a family of diplomats and has lived his life in and around the Foreign Service.

His nomination as Deputy Secretary of State comes at a time when the United States is facing a range of critical challenges, from Ebola in west Africa, to Russian aggression in Ukraine, to the challenge of countering ISIL in Syria and Iraq, to Iran's continued request for a nuclear weapons program. At the same time, we are forging new global alliances and partnerships with India, in the Middle East and Asia, and looking for opportunities to expand American exports and business opportunities. There will be no shortage of critical issues he will face.

Foremost on our national security agenda is countering the barbarity of ISIL, whose terrorist ambitions threaten our national security as well as the stability of an entire region. We also face a continued crisis in Ukraine, where the cease-fire has collapsed and Russian tanks, troops, and weapons continue cross-border incursions into eastern Ukraine.

Clearly, the list of challenges is long and the diplomatic calculations are complicated, and all of these challenges will be part of the portfolio of the Deputy Secretary of State. There will be times where we will agree and times where we will disagree. I look forward to working closely with Mr. Blinken should he be confirmed, and I expect that he will be.

I know there is opposition by some of my colleagues to Mr. Blinken. As we considered his nomination in the Foreign Relations Committee last week, several of my colleagues raised concerns which I would like to take a few minutes to address.

First, there is an incredible notion that Mr. Blinken is somehow unqualified. Anyone who has served the Senate Foreign Relations Committee as staff director, two Presidents, a Vice President, as Deputy National Security Adviser to the President of the United States, and has chaired the National Security Council's Deputies Committee is more than qualified, and my colleagues know it. They simply disagree with the politics and the policies of the President which are the responsibility of the person who is serving that President to ultimately promote—anyone he chooses to appoint to a key position. But they cannot disagree that Mr. Blinken has served the Nation admirably, with dignity, diplomacy, and has honored every position he has held, that he has devoted his life serving this Nation's national security interests,

and he has excelled at doing it. Frankly, if Mr. Blinken is unqualified, then the bar my colleagues have set is too high for any human being to reach.

I ask those who would object to this nominee, what additional qualifications can there be? Outside of already occupying the position for which he is nominated, it is hard to understand what additional qualifications my colleagues would expect Mr. Blinken to have to demonstrate his worthiness. Perhaps they would prefer that he be nominated by a different President whose policies they agree with, but that is not how it works.

This is an eminently qualified candidate who has the full trust and confidence of this President, my colleagues' policy concerns notwithstanding. They may disagree with specific policy decisions of this President dutifully carried out—I repeat, carried out—by Mr. Blinken.

Even listening to my dear friend and colleague Senator MCCAIN, a distinguished member of the committee whom I regret we are going to lose in the next Congress from the committee—when he made the comment that the President's personal decision—referring to Syria—when all his national security advisers recommended providing arms to the Free Syrian Army, Mr. Blinken is clearly one of those national security advisers, but the President is the one who ultimately makes the decision on what policy will be pursued.

That leads us to the questions about Mr. Blinken's participation and decisions involving Iraq, Afghanistan, and other parts of the world, with which certain Members of this body have taken issue.

Mr. Blinken has had to defend those decisions no matter his personal views or advice. That is his job. You can disagree with the President's policies, but you cannot blame this nominee for doing his sworn constitutional duty to carry them out.

I want to be very clear. We cannot judge the qualifications of this nominee or, for that fact, any nominee based on the policy decisions of this President or any President. He has been part of this administration, to be sure, but if the Senate starts to hold every nominee to account for every decision made by every President they serve, I think we will find that there is no one who will pass muster and no one who will be confirmed.

I happen to think President Bush's decision to evade Iraq was a geostrategic blunder of the highest order. I opposed it at the time, and history, tragically, has proven that judgment right. The brave sacrifice of our young men and women and the squandering of hundreds of billions of our children's and grandchildren's inheritance have compounded the magnitude of this error. Would my colleagues suggest that I should oppose all future Republican nominees who served in the Bush administration because no matter

how qualified they are, somehow they must be held accountable for what I believe history will show in evaluating the Bush Presidency as a historic blunder that led to the civil and secular wars that are changing the shape of the Middle East? I don't believe that is what my colleagues would suggest, but that appears to be how they are judging Mr. Blinken. But none of that is reason to oppose Mr. Blinken or any nominee.

I hear these references to Iraq. Well, Prime Minister Maliki at the time opposed signing a status of forces agreement, and without such an agreement it was impossible to have our forces continue to be in Iraq subject to the possibilities of any issues being pursued legally under Iraqi law versus our own law, or, in Afghanistan, the question of what the force size should be in 2014. The President has made the statement of what it is to be, and maybe we can even have disagreements with what the size of those forces should be in 2014 as we see things evolve, but it is not for someone in an appointed position who is supposed to carry out the President's policies to say: No, we are not going to have that size; we are going to have a bigger size.

I fully expect that if confirmed, there will be a number of issues where Mr. Blinken and I probably won't see eye to eye—or, rather, the administration he will represent and I may not see eye to eye. When those issues arise, I fully intend to let Mr. Blinken know exactly how I feel and to engage him in debate to influence the policy, and I will avail myself of all the tools a Senator can use to do so.

Frankly, given his experience working for this body and given his professionalism and experience with the Senate Foreign Relations Committee, I would rather it be Mr. Blinken who will be across the table from me rather than someone else who doesn't have any understanding of this institution and the prerogatives of Senators. I am confident he will understand where I am coming from even when we disagree, and I am confident that he will approach these discussions with an open mind, that he will seek to persuade but he also will be open to persuasion.

I don't think any of us here in this body would like to be held to a standard of perfection in our judgments, one that holds no space for loyal service to this Nation and no space for qualified nominees who have honorably and faithfully implemented the policies of their President.

Let's be clear. We are not judging the President's policies; we are judging the qualifications of a man who has loyally and professionally carried out those policies.

I do not doubt the sincerity of my colleagues in this body. Even when I may disagree, I do not doubt that they are seeking what they believe is the best for our Nation. At times I think they are right. At other times I think

they are wrong. Today, as it relates to Mr. Blinken, they are wrong.

Tony Blinken is a tireless and able public servant who serves the Nation well, and I urge my colleagues to confirm this nominee. He is a man of the Senate, a qualified public servant, and an accomplished national security and foreign policy expert.

I yield the floor.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that I be permitted to proceed as though in morning business for 5 minutes.

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

ENDING INSIDER TRADING IN COMMODITIES ACT

Mr. LEVIN. Madam President, last month the Senate's Permanent Subcommittee on Investigations concluded a 2-year bipartisan investigation into Wall Street bank involvement with physical commodities. Our investigation, which focused on Goldman Sachs, Morgan Stanley, and JPMorgan Chase, culminated in a 400-page report and 2 days of hearings. The subcommittee's investigation found these banks involved in a breathtaking array of physical commodities activities. They owned coal mines and oil pipelines, oil tankers and refineries, electric powerplants, massive amounts of copper and aluminum and even uranium.

We examined multiple aspects of financial holding company involvement with physical commodities, including the nature and extent of those activities with the attendant risk, such as the threat to a bank's safety and soundness from a catastrophe along the lines of the BP oil spill in the Gulf of Mexico. We also examined the impact of those activities on consumers, manufacturers, and markets. One key area of concern relates to possible price manipulation and unfair trading.

What we found is that involvement in physical commodities gave these banks access to important nonpublic information that they could use to profit in their trading of financial products tied to those same commodities. In the stock market, the use of such nonpublic information is prohibited, but no such clear prohibition exists in commodities markets. That gives the biggest Wall Street banks an enormous incentive to pursue physical commodities activities—often to the detriment of consumers and manufacturers—in order to profit in financial trades by the use of the nonpublic information they gain from their physical commodities activity and to provide the opportunity in some cases to engage in market manipulation.

I have introduced, with Senator MCCAIN, a bill intended to prevent such

abuses. The Ending Insider Trading in Commodities Act, S. 3013, which we just introduced, would prevent a large financial institution from trading in physical commodities and commodity-related financial instruments while at the same time in possession of material nonpublic information arising from its ownership or interests in a business or facility used to store, ship, or use the same commodity. A large financial institution should not be able to control, for instance, a huge number of warehouses and then use the nonpublic information that it gains and sometimes creates from the operation of those warehouses to trade on the same kinds of commodities stored in those warehouses.

As we learned from our investigation, a financial institution that owns warehouses may manipulate warehouse operations in ways that move the prices of the very financial instruments and commodities the financial institution is trading.

In the case of aluminum, we saw that Goldman Sachs owned dozens of warehouses in the Detroit area, which it used to build a near monopoly on the storage of aluminum in the United States that is used to settle trades on the London Metal Exchange, which sets the benchmark price for aluminum around the world. Using that dominant position, Goldman approved warehouse deals and practices that lengthened the lines, the queues for metal owners to get their metal out of the warehouses to nearly 2 years. By lengthening the queues, Goldman raised the premium that includes such costs as storage and transportation and which, along with the London Metal Exchange's benchmark price, makes up the total price consumers pay for aluminum. Goldman manipulated these warehouse practices in ways that made metal owners wait to get their metal and influenced prices paid to buy aluminum and hedge aluminum costs. All the while, Goldman was trading in aluminum and aluminum-related financial instruments.

It is a rigged game. It needs to be stopped, and that is what this bill is intended to do. I thank Senator MCCAIN for joining me in this important effort. We hope our colleagues will take up this bill and carry on this effort in the next Congress.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 3019 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEVIN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Madam President, I wish to express my opposition to the nomination of Antony Blinken to be Deputy Secretary of State.

There is no shortage of global conflicts or crises facing the United States, and as one of the key positions

at the State Department, the Deputy Secretary of State will play a key role in developing and implementing our foreign policy. Unfortunately, I must oppose Mr. Blinken's nomination at this time because his track record on some of the most significant foreign policy and national security issues has raised serious concerns about the direction his leadership would take our Nation's foreign policy.

Mr. Blinken has been a foreign policy advisor for several years and played a significant role in determining how and when the United States left Iraq. I believe this has contributed to the instability in the region. Additionally, Mr. Blinken has been less than forthright with some of my colleagues, and has misstated the Administration's position with respect to Iran sanctions.

I am also concerned about the speed of this nomination. He was nominated a month ago and is being forced through in the lame duck. I believe a nominee of this significance should be subject to a more thorough review because at a time when the United States is facing critical national security challenges on many fronts, we must have proven and effective leadership.

For these reasons, I must oppose Mr. Blinken's nomination.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. 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 nomination of Antony Blinken, of New York, to be Deputy Secretary of State.

Harry Reid, Brian Schatz, Patrick J. Leahy, Bernard Sanders, John E. Walsh, Patty Murray, Jack Reed, Tom Udall, Sheldon Whitehouse, Amy Klobuchar, Debbie Stabenow, Christopher A. Coons, Robert Menendez, Carl Levin, Barbara Boxer, Tom Harkin, Richard J. Durbin.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Antony Blinken, of New York, to be Deputy Secretary of State, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Utah (Mr.

LEE), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ‘‘nay.’’

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

The yeas and nays resulted—yeas 53, nays 40, as follows:

[Rollcall Vote No. 361 Ex.]

YEAS—53

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

NAYS—40

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Shelby
Collins	Isakson	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Kirk	Vitter
Crapo	McCain	Wicker
Cruz	McConnell	
Enzi	Moran	

NOT VOTING—7

Boxer	Johanns	Sessions
Chambliss	Lee	
Cochran	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 40.

The motion to invoke cloture is agreed to.

Cloture having been invoked, under the previous order, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Antony Blinken, of New York, to be Deputy Secretary of State?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Utah (Mr. LEE), and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 55, nays 38, as follows:

[Rollcall Vote No. 362 Ex.]

YEAS—55

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

NAYS—38

Alexander	Fischer	Murkowski
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Shelby
Collins	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	McCain	Vitter
Cruz	McConnell	Wicker
Enzi	Moran	

NOT VOTING—7

Boxer	Johanns	Sessions
Chambliss	Lee	
Cochran	Sanders	

The nomination was confirmed.

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

CLOTURE MOTION

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

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 Colette Dodson Honorable, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

Harry Reid, Brian Schatz, Patrick J. Leahy, Bernard Sanders, John E. Walsh, Patty Murray, Jack Reed, Tom Udall, Sheldon Whitehouse, Amy Klobuchar, Debbie Stabenow, Christopher A. Coons, Robert Menendez, Carl Levin, Barbara Boxer, Tom Harkin, Richard J. Durbin.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Colette Dodson Honorable, of Arkansas, to be a Member of the Federal Energy Regulatory Commission, 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. BOXER)

and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Utah (Mr. LEE), and the Senator from Alabama (Mr. SESSIONS).

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

The yeas and nays resulted—yeas 65, nays 28, as follows:

[Rollcall Vote No. 363 Ex.]

YEAS—65

Alexander	Graham	Murkowski
Ayotte	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Pryor
Booker	Hoeven	Reed
Boozman	Inhofe	Reid
Brown	Johnson (SD)	Rockefeller
Burr	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Coburn	Levin	Udall (CO)
Collins	Manchin	Udall (NM)
Coons	Markey	Walsh
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—28

Barrasso	Grassley	Roberts
Blunt	Hatch	Rubio
Coats	Heller	Scott
Corker	Isakson	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	McCain	Vitter
Enzi	Moran	Wicker
Fischer	Paul	
Flake	Risch	

NOT VOTING—7

Boxer	Johanns	Sessions
Chambliss	Lee	
Cochran	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 28.

The motion is agreed to.

NOMINATION OF COLETTE DODSON HONORABLE TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Colette Dodson Honorable, of Arkansas, to be a Member of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am going to submit to the body a unanimous consent request in just a minute. However, I want everyone to understand we are trying our utmost to have a pathway so we can move along. We don’t have that done yet, but we are working on it. We have a lot of work still to do.

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.