

the Senate advise and consent to the nomination of Robert Lee Pitman, of Texas, to be United States District Judge for the Western District of Texas?

The nomination was confirmed.

VOTE ON SCHROEDER NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Robert William Schroeder III, of Texas, to be United States District Judge for the Eastern District of Texas?

The nomination was confirmed.

VOTE ON AZRACK NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Joan Marie Azrack, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.

VOTE ON DILLON NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Elizabeth K. Dillon, of Virginia, to be United States District Judge for the Western District of Virginia?

The nomination was confirmed.

VOTE ON BIGGS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Loretta Copeland Biggs, of North Carolina, to be United States District Judge for the Middle District of North Carolina?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Oregon.

#### UNANIMOUS CONSENT REQUEST— H.R. 5701

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5701, which is at the desk; that the bill be read three times and passed; and that the motion to recon-

sider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Mr. President, on behalf of Senator SESSIONS, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, this objection is very unfortunate. The Oregon congressional delegation has teamed up in a bipartisan way to provide, among other things, trust land for the two remaining Native American tribes in our State that have no land base. These tribes have been waiting for over 100 years, and Senator MERKLEY and I, with the whole Oregon congressional delegation, intend to be back early next year working to pass these bills and stay at it until justice is done.

#### UNANIMOUS CONSENT REQUEST— H.R. 4137

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, also on behalf of Senator SESSIONS, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 4137; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to be clear, as chair of the Senate Finance Committee, that I oppose taxpayers subsidizing illegal conduct, and I also oppose setting up a one-size-fits-all Federal mandate that is going to create redtape and confusion for our States to implement.

This proposal says that TANF electronic benefits cannot be used in any retail store which sells marijuana. This means that a TANF card cannot be swiped in these locations. The reality is that TANF benefits can be withdrawn for cash, and cash can be spent anywhere. Yet this proposal does not seem to recognize that fact.

Of course, we here in the Senate often hear of burdensome Federal rules and regulations that are imposed on our States and our businesses. My view is this sounds like the epitome of needless bureaucracy in its current form and actually achieves nothing except generating a lot of regulatory hassle.

For the reasons I have stated, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Massachusetts.

#### UNANIMOUS CONSENT REQUEST— S. 1898

Ms. WARREN. Mr. President, I came to the floor last week to ask a simple question: Who does this government work for? Does it work only for the billionaires and the biggest corporations or does it work for all of us?

I asked that question last week as Congress considered the government funding bill—a bill that included a completely unrelated provision literally written by Citigroup lobbyists that increased the risk of future taxpayer bailouts just so the biggest banks in this country could rake in more profits. Sadly, that bill was just the latest example of how the government works just fine for those who have already made it.

In the past few years, Federal agencies have entered into a number of major settlement agreements with big banks and other large corporations after those companies have broken the law. These agencies have touted these settlements as being worth millions or in some cases billions of dollars. That sounds like a great deal for taxpayers, but often that sticker price is much higher than the actual value at the settlement. Agencies have often permitted corporations to deduct the cost of the settlement from their taxes, which can cut the actual value of the payment by more than 30 percent. And instead of requiring corporations to actually pay the full settlement amount, agencies often give corporations credits toward the settlement amount for taking certain actions—actions the corporations would have taken even if the settlement had never existed. By structuring the settlements this way, agencies can get credit for being tough on corporate wrongdoers even when the actual deal paints a much different picture.

In January I introduced a bill with Senator COBURN to shed more light on this kind of backroom dealmaking. This bipartisan bill, the Truth in Settlements Act, is pretty simple. It just requires Federal agencies to publicly disclose certain basic information about the major settlements they enter into with corporations—information such as whether a settlement is going to be tax deductible or whether it lets companies claim credit for things they are already doing. That is pretty much it.

The idea behind the bill is straightforward. If the government is going to cut deals on behalf of the American people, the American people are entitled to know what kind of a deal they are getting. That is the only way the public can hold agencies accountable.

The Homeland Security and Governmental Affairs Committee approved the Truth in Settlements Act in July without any objections from any Democrats or any Republicans. The CBO found the bill wouldn't cost taxpayers a single dime. This is a non-partisan, commonsense measure that simply brings more transparency to

critical actions the government takes on behalf of the public.

Accordingly, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 566, S. 1898; that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Mr. President, on behalf of Senator CORNYN, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. WARREN. Mr. President, I am disappointed but not surprised that there is an objection to this request because although there is bipartisan support for this bill and only one outside group has raised concerns—that group is the U.S. Chamber of Commerce, a powerful lobbying organization that represents the interests of large corporations. The chamber's concern about this bill demonstrates just how much the interests of these giant corporations that break the law conflict with public interests.

In its letter opposing the bill, the Chamber wrote that the bill “would remove the incentive for investigation targets to settle and force the government to expend more resources to prove its assertions in court.” Think about that for a second. The chamber's position is that agencies shouldn't disclose basic facts about settlement agreements to the public because if the public were aware of those facts, they would demand more accountability for corporate wrongdoers.

The chamber's position boils down to this: Let's keep the details of these agreements hidden from view so that corporate wrongdoers don't have to worry about any real accountability for their illegal actions. That sounds great if you are a big company that breaks the law, but I don't think it sounds great to the American people. I think the American people are tired of seeing large corporations break the law and then negotiate sweetheart deals behind closed doors.

While we will not be able to pass the Truth in Settlements Act this Congress, I will be reintroducing it in the next Congress, and I will continue to fight for the public to get access to the details of these agreements because we weren't sent here to work for big companies and to protect them from accountability when they break the law; we were sent here to stand up for everyone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS CONSENTS REQUEST—  
H.R. 2126

Mrs. SHAHEEN. Mr. President, I am here with Senator PORTMAN of Ohio to

try—I think for about the sixth time—to get energy efficiency legislation passed.

Senator PORTMAN and I have been working on legislation called the Energy Savings and Industrial Competitiveness Act for 4 years now. We have tried to bring it to the floor, and it has been objected to not because of provisions in the bill but because of extraneous provisions that have people holding it up.

Tonight we are again trying to pass a smaller version of that bill. It is H.R. 2126, the Energy Efficiency Improvement Act, which was passed out of the House with a strong bipartisan vote of 375 to just 36. It was sponsored in the House by Representative MCKINLEY from West Virginia and Representative WELCH from Vermont. Senator PORTMAN and I introduced the same bill here in the Senate a couple of weeks ago.

I am going to be asking for unanimous consent that the Senate consider passage of this legislation. Before I do that, it is my understanding it is going to be objected to again and that Senator TOOMEY is here to do that. But I wonder if I could get an answer to a question from Senator TOOMEY about what his specific objections are to the legislation.

I understand the Tenant Star provision in the bill is what he is objecting to. Yet this would establish best practices, and it would set up a voluntary certification system for efficiency and commercial tenant spaces. What it does not do is provide financial incentives or create new regulations. It is a voluntary, market-based, business-friendly approach to encouraging energy efficiency—which is the cheapest, fastest way to deal with our energy needs in this country. It is something everybody agrees we should try and do.

So I wonder if I can ask my colleague from Pennsylvania if he could describe his concerns about that provision in the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I am objecting on behalf of a colleague who is unavoidably detained. So the Senator from New Hampshire will have to take this up with our colleague.

Mrs. SHAHEEN. Mr. President, in that case, I ask unanimous consent that the energy committee be discharged from further consideration of H.R. 2126, the Energy Efficiency Improvement Act, and the Senate proceed to its consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TOOMEY. Mr. President, on behalf of my colleague who is unavoidably detained, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. SHAHEEN. Mr. President, I yield to my colleague from Ohio who I

know is here to talk about the legislation or my colleague from New Hampshire who has been working on the Tenant Star provision with Senator BENNET from Colorado.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from New Hampshire and my colleague from Ohio, Senators SHAHEEN and PORTMAN, for their work on this legislation.

As my colleague from New Hampshire has said, unfortunately this is a piece of legislation that is being blocked. As we saw on the floor, we don't even know the reason it is being blocked. I think, when we have an objection on the Senate floor, we should have to come to the floor and state what our objection is.

So here we are. We are going to again ask for this legislation to be brought forward that passed overwhelmingly in the House and in fact has overwhelming support from both the business community and environmental groups.

If the Tenant Star provision is what is being raised—we are not quite sure what the objection is because we haven't heard here publicly.

This program is supported not only by commercial landowners but also tenants, the business community, and environmental groups. What it does is establish a market-based approach that is not a mandate but encourages both the commercial owners and tenants to be able to create a voluntary Tenant Star certification to encourage commercial tenants to implement cost measures that will help reduce energy consumption.

Energy efficiency is a bipartisan way we can reduce energy costs, we can protect our environment, and we can ensure that we don't have to be dependent on countries overseas. It is about security of this country too.

I thank my colleagues, Senators SHAHEEN and PORTMAN, for working so hard on this bill. It is surprising, this bill that passed—obviously, a smaller version of the bill that they have introduced and I am proud to cosponsor, but it has overwhelming support. It passed the House. It is unfortunate that we are here and aren't going to be able to get this done because it is just common sense.

Again, the program is not a mandate. There is no tax incentive, no grant program. It contains no regulatory authority, no new costs. This is one that just makes common sense.

So I am very disappointed that this bill is not going to be brought forward tonight. It is unfortunate that we are essentially here fighting against something we don't even know what the objections are because they haven't been stated publicly.

With that, I again thank my colleagues for working on this bill. I hope to support their efforts in the next Congress to get this bipartisan, commonsense energy efficiency legislation through this body.