The 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 Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie K. Hirono, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Janet Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System, 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 Nevada (Mr. REID) is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote ''yea.''

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNS), and the Senator from Georgia (Mr. CHAMBLISS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

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

The yeas and nays resulted—yeas 59, nays 34, as follows:

[Rollcall Vote No. 291 Ex.]

YEAS—59

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

NAYS—34

Ayotte	Cornyn	Heller
Barrasso	Crapo	Hoeven
Blunt	Cruz	Inhofe
Boozman	Enzi	Johnson (WI)
Burr	Fischer	Lee
Coats	Graham	McCain
Cochran	Grassley	McConnell
Moran	Rubio	Toomey
Paul	Scott	Vitter
Portman	Sessions	Wicker
Risch	Shelby	
Roberts	Thune	

NOT VOTING—7

Alexander	Flake	Reid
Chambliss	Isakson	
Coburn	Johanns	

The PRESIDING OFFICER. On this vote the yeas are 59, the nays are 34.

The motion is agreed to.

NOMINATION OF JANET L. YELLEN TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, all time on the Yellen nomination is yielded back. The vote will occur on this nomination on January 6, 2014.

The clerk will report the nomination.

The legislative clerk read as follows:

Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

The PRESIDING OFFICER. The Senator from Illinois.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to legislative session.

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

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 265, S. 1845.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1845) to provide for the extension of certain unemployment benefits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I have a cloture motion at the desk.

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

The 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 motion to proceed to Calendar No. 265, S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

Jack Reed, Richard J. Durbin, Martin Heinrich, Thomas R. Carper, Charles E. Schumer, Dianne Feinstein, Patty Murray, Bernard Sanders, Angus S. King, Jr., Al Franken, Tom Harkin, Jeff Merkley, Elizabeth Warren, Sheldon Whitehouse, Barbara Boxer, Richard Blumenthal, Sherrod Brown.

MORNING BUSINESS

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

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

The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1882

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1882, a bill to extend the exclusion from income for employer-provided mass transit and parking benefits; that the bill be read three times 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. HATCH. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's commitment to this particular issue. However, this is just one of many tax provisions which will expire at the end of the year.

In the past, the senior the Senator from New York supported the extension of numerous provisions, as have I, particularly the State and local sales tax deduction in his case. I can only wonder if he is signaling that the State and local sales tax provision, along with all the others which are expiring, are no longer a priority for him.

In any event, the Senate Finance Committee has jurisdiction over all the tax extenders, including the one being offered here today. As of yet, the committee has not been able to fully consider and report a tax extenders bill. As a senior member of the Senate Finance Committee himself, I would hope my colleague would want to work with other members of the committee to preserve its jurisdiction.

Since the House of Representatives has been out for 1 week, my colleague's request—even if agreed to in the Senate—would not result in extending the mass transit provision. Finance Committee Republicans stand ready to work with our Democratic colleagues when we return in a couple of weeks, and the House will be back then too. If we want to enact this extension into law, rather than just sending out talking points, we ought to engage in regular order when we get back.

On that basis, I ask unanimous consent to modify my colleague's unanimous consent request.

I ask unanimous consent that the request be modified to refer this bill to the Finance Committee so it can be properly considered through regular order.

The PRESIDING OFFICER. Does the Senator from New York accept the modification request?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is noted.

The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague. We are good friends and I know his heart is in the right place. I would just make a couple of quick points before I get into a little bit of the substance, and I will be brief.

The reason this extender has special weight and deserves being brought up today is the following: Most of the tax extenders—and I certainly support a large number of them—can be put into law retroactively with little harm done. Since most of them affect people's tax returns in 2015 if the law is changed, say, January or February of 2014, it doesn't affect this because the tax deduction would actually be filed before April 2015.

The one problem with the mass transit benefit is it is much harder to make retroactive. People try and we tried last year. We did it retroactively. But since the benefit goes each month to the commuter from his or her employer, retroactivity doesn't work quite as well.

That is why I felt it was important to try to get this passed now, so perhaps when the House returned immediately—there is good bipartisan support for this in the House support as well—they might enact it and we would not have to wait for the Finance Committee to go through a large number of other tax extenders hearings and whatever, because the longer it is retroactive, the harder it is.

I certainly appreciate my colleague's objection. I am going to fight very hard to try to get this done in January when we return. I would just make these following points about the benefit.

It is a win-win. It is a win for our mass transit commuters because then they get the same benefit—no more, no less—than those who drive to work and park. It was an anomaly in the law, pointed out by my late colleague, friend, and mentor, Senator Moynihan, that it was unfair to give people who drive their cars to work double the tax benefit of mass transit commuters. It is only fair to make them equal.

Right now, the law will raise the parking-driving benefit—those who drive to work—at the rate of inflation to $250. That is a good thing and I am all for that. But if the law is not renewed before December 31, the mass transit benefit, which I have worked hard to make equal to the park-and-drive benefit, will revert back to $130 a month, which is a lot less and unfair.

The second benefit is to people who drive. You say why would they benefit? They are getting theirs. The bottom line is, for every person who takes mass transit and doesn't take his or her car to work, that reduces congestion on the roads. So even if you never want to ride the train or the bus to work, you should be for this.

Finally, I would say the following: It benefits our environment. We all know that mass transit pollutes the air a lot less than people driving individual cars. In many places it is not possible to use mass transit, but in more and more parts of the country it is and we ought to be encouraging that. To have this benefit expire is bad, bad for people who take mass transit. Obviously there are a lot of them in my State—700,000—who get this benefit. It is bad for those who drive and bad for the clean air that we wish to breathe.

I will continue my quest because I think it is only fair and only right and it is good for all of America. As my colleague noted, it is a tax break. We generally can find more agreement on tax breaks than many other issues—fiscal and tax issues in this Congress. I will continue my quest to have this renewed as soon as possible, and I think it is not unfair to do it ahead of the other tax breaks because of the unique way that this benefit functions and how it is harder—not impossible but harder to enact retroactively.

Mr. President, I wish you, the entire staff who has done a great job here through the year, and all of my colleagues as well as those here in the gallery, a merry Christmas, a happy new year—not least of whom is my good friend and colleague from Utah who I know has a big and happy family. I wish them a merry Christmas and a happy new year as well.

I yield the floor, I guess with just about almost certainty for the last time in 2013.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague from New York. He is a great Senator. I understand his concern here, but we ought to do this in accordance with regular order, especially on the Finance Committee, to get to where we work on these matters and get them done in an exigent and good way, and I will certainly try to work with my colleague throughout this process.

Mr. President, I also would like to wish everybody who serves in this body a merry Christmas and a happy new year. This is a wonderful time of the year. We all feel pretty good today, having finally gotten through most of the work that we needed to get through.

Mr. SCHUMER. I thank my colleague.

OBAMACARE

Mr. HATCH. Mr. President, I rise today to discuss the debacle that is the so-called Affordable Care Act. I don't think there is anyone in this Chamber, Republican or Democrat, who would dispute that thus far the implementation of this law has been a disaster, particularly with regard to the healthcare.gov Web site and the President's promise that ''if you like your health care plan, you can keep it.''

The administration has admitted that it bungled the rollout and has tried to cover up for what PolitiFact dubbed ''the lie of the year,'' by passing the buck to States and insurers as to whether individuals would be able to keep their plans for the next year.

Let's be clear about this. ObamaCare's problems are deeply rooted in its DNA, and they are far larger, far bigger than just a Web site. Is the Web site causing the cost of health insurance premiums to go up dramatically? Is the Web site causing businesses to force more and more employees to work part-time? Is the Web site sending out cancellation notices to patients and consumers, telling them that their health care plans are no longer available? Of course not. Yet as the functionality of the Web site continues to improve, the administration is starting to talk as if every problem with the law has been fixed and that all the other issues are going to simply dissolve.

We know that is not the case. In reality the problems with ObamaCare are only beginning. I would like to take a few minutes to discuss some of the problems we are going to be seeing in the future as the President's health law continues to be implemented. I have to say that when it comes to ObamaCare, it is a little difficult to make predictions. That is because the administration has gone to great lengths to muddy the waters with delayed deadlines and unilateral policy changes. However, I think we can look through the opaque waters and identify at least six general areas where we can expect to see major problems in the coming months. These are six areas among many, but theses are six I want to talk about today.

No. 1, we are going to continue to see problems with the implementation of ObamaCare. Like I said, there have undoubtedly been improvements to the Web site. They should be able to resolve that problem. It is a technical problem. It is a shame it was not resolved to begin with. It is a shame that enough time wasn't given to resolve it, but there still are issues that are far from resolved besides that.

Let's just look at the enrollment in the exchanges to see how things are going. As of November 30, roughly 365,000 individuals enrolled in health insurance coverage through the State and Federal exchanges. That is a small improvement from the numbers that we saw at the end of October but still far short of the benchmarks that the Department of Health and Human Services had set for enrollment in the exchanges. Originally, HHS touted a goal of enrolling 7 million people in the exchanges by March of 2014. According to a memo obtained by the Associated press, HHS projected that on the way to reaching that goal of 7 million enrollees, they would enroll roughly half a million people in the first month. Yet after 2 months they were still more than 100,000 people short of that one-month benchmark, which is not a high benchmark in my opinion.