

He has climbed nine Himalayan peaks. He has climbed Mount McKinley. He has climbed 99 of the highest summits in Colorado, and that is the place where we have the great Rockies. Those are big mountains. He once attempted to scale Mount Everest but was stopped by a severe storm. Some of us, while we were waiting to finish our work on Saturday, told me they were hoping to go skiing on Sunday.

I said: Where are you going to go skiing?

I don't know the name of the place.

How high is that place?

Eight hundred feet.

In the Sierra Nevada mountains where I am from, and the Rockies, that is not a mountain. We have mountains in Colorado and Nevada.

MARK UDALL once attempted to scale Mount Everest and was nearly there when one of the most violent storms came. Using good sense, he decided they shouldn't do it, and it was the right thing to do. People die by saying they are stronger than nature. He understands his limitations, and his limitations are not very much. MARK is a tremendous athlete. He could do anything athletically. He has the genes of his dad, Morris Udall, whom I had the good fortune of serving with in the House of Representatives. Morris Udall is the only person to have played professional basketball being blind in one eye, couldn't see, but he was able to adjust his perceptive qualities with a basketball hoop to play professional basketball.

We all felt MARK'S loss when his brother Randy was found dead. He was found dead in the place he loved more than anyplace else, the Wind River Mountains in Wyoming. That is where Randy loved to go. That is where MARK loves to go. People told Randy he shouldn't go alone, but he went alone and it appears maybe he had a heart attack while he was out there. They found him several weeks later in the mountains he loved, dead. It was real tough for MARK, who looked up so much to his brother. MARK, though, has met many mountains and done many great things.

He served in the House of Representatives where he was stellar. But it is the work in the Senate where his greatest feats have been accomplished. In 2013 there were storms in Colorado and there was catastrophic flooding. It was very bad. Lives were lost, homes washed away. The people of Colorado needed help, and MARK would not stop. He held up legislation until the people of Colorado got what they deserved. He helped secure nearly \$1 billion in Federal assistance for the people of his State, money to rebuild homes, bridges, roads, and reestablish lives.

While he dedicated himself to protecting the people of Colorado, he also was committed to safeguarding the constitutional rights of all Americans. Who has done more in exposing what has been going on with the invasion of people's privacy? No one has done more

than MARK. He has done this in a number of different ways. But as a member of the Intelligence Committee, his work sounded the alarm about the National Security Administration's bulk data collection program. He fought to end the CIA's detention and interrogation program, and together with Senator FEINSTEIN has pushed to make public the committee's study of the CIA's torture program.

People have said: Perhaps if MARK had not been so concerned about individual rights, about the bulk data collection, about the torture, maybe he would have been reelected. But that is not MARK UDALL. He comes from a family with a long tradition of public service, as I have indicated. His uncle Stewart was Secretary of the Interior, after having served in Congress for many years representing the State of Arizona, as did his dad Mo Udall. Mo Udall was one of the most recognizable Congressmen in the entire 20th century, having run for President, and he had a sense of humor that was really quite remarkable.

Here in the Senate MARK has cousins. It has been interesting. During the last few years, we have had a lot of cousins: MARK, TOM, MIKE LEE, Gordon Smith—all cousins, first cousins. How did that come about? MARK would, as he did just a day or two ago, look and kind of smile and say: It could have been polygamy. And it was. But they are a very, very close family, a very close family.

In spite of the closeness of TOM and MARK—two brothers could not be closer than these two men. They climb mountains together. I have talked to them about putting on crampons, these spikes you put on your shoes to climb the ice. These are adventurers.

So we are going to miss MARK. But he has forged his own path and his own legacy.

Now, as his time in the Senate draws to a close, he will carry that legacy to other endeavors.

I wish MARK all the best. It has been such a privilege to serve with him. He will be deeply missed.

TAX INCREASE PREVENTION ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 627, which is H.R. 5771.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 627, H.R. 5771, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions and make technical corrections, to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF VIVEK HALLEGERE MURTHY TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

NOMINATION OF DANIEL J. SANTOS TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

NOMINATION OF FRANK A. ROSE TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE)

NOMINATION OF SARAH R. SALDANA TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY

NOMINATION OF ANTONY BLINKEN TO BE DEPUTY SECRETARY OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service; Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board; Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance); Sarah R. Saldana, of Texas, to be an Assistant Secretary of Homeland Security; and Antony Blinken, of New York, to be Deputy Secretary of State.

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

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

The legislative clerk proceeded to call the roll.

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

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

MURTHY NOMINATION

Mr. BARRASSO. I rise today to oppose the nomination of Dr. Vivek Murthy to be Surgeon General of the United States. The Surgeon General is known as America's doctor. Americans have great respect for this important position. They expect their Surgeon

General to be someone who has substantial experience in helping patients, in helping improve their health, and in helping them reduce their risk of illness and injury.

This important position has been vacant since July of 2013, about a year and a half. It is far too long, and it has been completely avoidable. We have seen how the Obama administration has struggled in response to important health issues such as the Ebola crisis. America should have had a Surgeon General in the job to lead in the fight against Ebola and to take on other serious health challenges as well.

Dr. Murthy is a smart man who is very well educated. He has an undergraduate degree from Harvard, an MBA from Yale, and an M.D. from the Yale School of Medicine. These are impressive academic credentials, and I am sure he will be a fine doctor, but they are simply not sufficient qualifications for this important job.

Is Dr. Murthy a renowned expert in treating patients or researching diseases? No, not at all. Has he actually built a career teaching medicine or leading major public health organizations? No, not yet. In fact, Dr. Murthy only completed his residency in 2006—just 8 years ago. I speak as someone who has actually practiced medicine for 25 years, has been an instructor of surgery at Yale Medical School, which Dr. Murthy attended, and I saw that being a doctor is about much more than going to school. Doctors learn more and more as they progress through their careers and spend more time with their patients, listening to patients and the patients' families. Dr. Murthy has not had the time to develop these kinds of skills.

So what qualifies him to be Surgeon General of the United States? Well, in 2008, just 2 years out of his residency, he founded a group called Doctors for Obama; the purpose: to elect a President. The majority of his career has been spent not as a doctor treating patients but as an activist—an activist focused on gun control and political campaigns.

Even former Surgeon General Richard Carmona has said Dr. Murthy doesn't have the medical experience to serve in such an important position. Let me point out that Dr. Carmona is a Democrat. He wrote an article for the Huffington Post on December 4. It was entitled "In Search of a Surgeon General." I will read a little bit of what he wrote. He said:

We don't appoint doctors early in their career to be a university Dean or Chairman. Graduate business students at the top of their class don't become instant CEOs. Top law graduates of elite law schools don't get nominated to be U.S. Attorney General or a Supreme Court Justice. Why would the U.S. Surgeon General be any different?

He concludes by asking:

Is the health, safety, and security of the Nation any less important?

Is the health, safety, and security of the Nation any less important? Well,

no, the health, safety, and security of the Nation are not less important, and the job of Surgeon General is not less important.

Americans want the same thing from a Surgeon General as they want from their own doctors. People want honest and straightforward advice about medical dangers, such as cancer, heart attacks, and stroke. They don't want an inexperienced, unqualified political appointee. Patients don't want a doctor who might let political ideology get in the way of treatment and their best interest. Americans don't want a Surgeon General who might use this position of trust to promote his own personal campaign against the Second Amendment of the Constitution.

This is just another example of President Obama giving someone an important job based solely on their support of the President's political career—just like his nomination of a soap opera producer to be Ambassador to Hungary or the President's nomination of a man to be Ambassador to Norway when the person didn't know the first thing about the country. Of course, both those nominations to be Ambassadors had funneled hundreds of thousands of dollars to the President's campaigns. Well, those nominations were embarrassing, and so is this nomination to be Surgeon General.

This office of Surgeon General is not just an honorary title. It is not just a figurehead position. The Surgeon General commands the entire Commissioned Corps of the uniformed public health officers. There are 6,700 people whom the Surgeon General commands. It is one of the key positions leading America's public health efforts.

America has a long history of qualified and talented people filling this job. When President Bill Clinton nominated David Satcher in 1998, Dr. Satcher had already served as president of a medical school and as Director of the Centers for Disease Control and Prevention. C. Everett Koop spent 35 years as a leading world-renowned pediatric surgeon. They were substantial candidates who brought serious experience to the job. The responsibilities of being America's Surgeon General require a strong, professional leader, and the American people deserve a qualified nominee. There is a long list of capable doctors who could meet those requirements. The President should pick one of them.

Over the years, we have seen that when the President has nominated qualified people for this position, the Senate has approved their nominations on overwhelmingly bipartisan votes. When President Obama nominated Regina Benjamin to be Surgeon General, she was confirmed unanimously, as was Richard Carmona when President Bush nominated him. Today, even Democrats have objected to the nomination of Dr. Murthy.

So why are we wasting the Senate's time talking about this now? Well, if President Obama thinks Dr. Murthy is

qualified, why haven't we already voted on him? He was nominated more than a year ago—more than a year ago. We had the Ebola crisis and no Surgeon General. He was nominated more than a year ago. His confirmation hearing in the committee was last February. The majority leader could have brought this up for a vote at any time in the past 9 months, but he didn't do it. Why? Because he knew this nominee—this unqualified, partisan nominee—didn't have the votes. He could not get the votes on the Democratic side of the aisle. The nomination would have been an embarrassment before the election.

Now is not the right time for this nomination, and this is not the right job for Dr. Murthy. The Ebola problem and the other health crises facing our Nation are enormous challenges that require skills and talents that this nominee has simply not had time to develop and which he has so far not demonstrated in his career.

I wish to close by quoting from a letter former Surgeon General Carmona sent to all of the Members of the Senate earlier this month. He sent it to each and every one of us. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 2014.

DEAR SENATOR, I am writing to express my concern over the present nominee for U.S. Surgeon General whose name may be submitted to you for confirmation during the remaining Senate session. The U.S. Surgeon General is the doctor of the nation and the commander of the U.S. Public Health Service Commissioned Corp, one of the seven uniformed services of the United States. The nominee, Dr. Vivek Murthy is a physician very early in his career with great promise but no formal public health education, training, leadership or management experience.

However, he was the founder of Doctors for Obama, a partisan organization supporting the election and policies of President Obama. His partisanship and lack of qualifications for the job of Surgeon General give this nomination the scent of political patronage. In addition, the position of Surgeon General is a uniformed services position with the rank of Vice Admiral. The nominee has no uniformed service experience, does not merit this rank and his confirmation would undermine the credibility and authenticity of the Office of the Surgeon General while demeaning the selfless service of qualified career uniformed officers who merit consideration.

The public we have the privilege to serve deserves and expects a Surgeon General who, through extensive education, experience, training and service, merits the position of Surgeon General of the United States.

For these reasons, I respectfully request that if this nomination comes before you that you reject it in favor of a qualified career USPHSCC officer who merits your consideration.

Sincerely,

RICHARD H. CARMONA,
M.D., M.P.H., FACS.

Mr. BARRASSO. Dr. Carmona writes:

His partisanship and lack of qualifications for the job of Surgeon General gives this nomination the scent of political patronage.

That is from a Democrat who actually served as Surgeon General and knows what it takes to do the job well.

Dr. Carmona added in his letter to all of the Members of the Senate:

His confirmation would undermine the credibility and authenticity of the Office of Surgeon General, while demeaning the selfless service of qualified career uniformed officers who merit consideration.

That is whom the President of the United States has chosen to nominate—someone who would undermine the credibility and authenticity of the Office of Surgeon General, while demeaning the selfless service of qualified career uniformed officers who merit consideration.

Americans deserve a Surgeon General who has substantial experience in managing complex crises and delivering patient care. The American people deserve a Surgeon General who has proven throughout his or her career that their main focus is a commitment to patients, not a commitment to politics.

Dr. Murthy has time to learn, time to gain experience, and that may make him a fine Surgeon General someday, but that day is not today. I call on the Senate to defeat the nomination of Dr. Murthy for Surgeon General of the United States.

I thank the Presiding Officer.

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

THE PRESIDING OFFICER (Ms. HEITKAMP). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. DURBIN. 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. DURBIN. Madam President, I see my friend from Wyoming, who spoke on the floor earlier and is in the Chamber, and I wish to publicly acknowledge—and I hope he will too—that we are friends, but we disagree on the nomination of Dr. Murthy to be the next Surgeon General. I will speak for a few moments about why I support him, and I hope a majority of Members will join me in supporting his nomination.

This is an indication of what can go wrong in the Senate. We received this nomination from the President of the United States to fill the post of Surgeon General, which was reported from the committee in February of this year. Obviously we are in December. It has been sitting here since February. In fact, the post of Surgeon General has been vacant since July of 2013.

The Surgeon General is supposed to be one of the leaders in America speaking to issues on public health. Can anyone think of a public health issue we have had to face since February when Dr. Murthy was reported to the floor of the Senate? Perhaps one of the deadliest diseases that has ever been recorded is being fought in west Africa, and we are being asked on a regular basis how we will respond in the United States. The Centers for Disease Control plays a major role in it but, historically, Surgeons General have played a

major role when we faced similar public health challenges.

I can remember coming to the U.S. House of Representatives years ago when President Reagan had been elected, and he had chosen C. Everett Koop to be his Surgeon General. C. Everett Koop was a controversial choice by President Reagan because he had been outspoken on some major political issues. He personally had strong feelings against abortion and had said as much before his nomination, and some other issues. It led many people to believe he was too political for the job and that President Reagan had made the wrong choice. But Koop was chosen. Despite the fact that he had been at least engaged as a medical doctor in discussing political issues, he was chosen. I wasn't in the Senate at the time; I didn't have a vote when it came to his choice, but I will tell my colleagues this: When Dr. Koop took over as Surgeon General, he made it clear he understood his obligation was to be the Nation's doctor, not the Nation's leading medical politician. He did some extraordinary things. I don't know what America would have been like if it were not for Dr. Koop's presence, pushing back on a lot of political spin when it came to public health issues—issues involving AIDS, for example.

It is no secret—it is well known—that many politicians—in both parties, for that matter—were reluctant to go into the whole issue of the AIDS crisis in America for a variety of reasons. But if my colleagues will remember, history shows that under Dr. Koop, we ended up mailing every household in America to let them know about the danger of the AIDS epidemic. That was an extraordinary act of public leadership when it came to public health, and Dr. Koop was Surgeon General when that occurred. So those who worried that C. Everett Koop was too political for the job were disabused of that notion as we watched his service to our country.

I make that point because I don't want the same mistake to be made in criticizing Dr. Vivek Murthy whom we are going to vote on later today to be our next Surgeon General. It is true that he has engaged in political activity, as any American citizen is entitled to. I hope that will not disqualify him. When I read in a few moments the groups that are supporting him, people will understand he isn't in this position of being nominated simply because of his political activity. He has extraordinary backing of individuals in the medical profession.

Now we need him more than ever. We need to fill the post of Surgeon General of the United States of America. We hope we can see an end to the Ebola epidemic, but we are not quite there. But we ought to have a Surgeon General in the United States of America. To think we have waited since February while this doctor's name has been on our calendar, and we had to use some extraordinary parliamentary

moves to even bring his name up for a vote. I think it is time for us to vote and it is time for us to confirm the nomination of Vivek Murthy as our next Surgeon General.

This past year, Americans have battled public health crises on all fronts. Here at home, parents watched while a severe strain of enterovirus spread from State to State, threatening young children. My home State of Illinois was one of the hardest hit. I heard from doctors across the State that the minute they discharged one child with respiratory symptoms from the emergency room, another came in.

Abroad, we still face the worst Ebola epidemic in history. With over 6,300 deaths and many more diagnosed with this devastating disease, now more than ever America needs to fill the spot of top doctor. It has been vacant since July—since July of last year. Dr. Murthy is that doctor, and I am proud to vote for him as the next U.S. Surgeon General. I am hoping my colleagues will join me.

Let me tell my colleagues a little bit about his background. Dr. Murthy is an attending physician at Brigham and Women's Hospital and an instructor at the Harvard Medical School. Part of what is extraordinary about him is that as well as treating his patients individually, he also thinks about the systemic issues affecting the health of patients and tackles those as well. He is a leading voice in public health, publishing his research on the participation of women and minorities in cancer clinical trials and top journals, including *Science*, *Journal of the American Medical Association*, and *Journal of the National Cancer Institute*.

Critics of Dr. Murthy who say he is not up to the job should look at the literature. He has published in medical research areas of great importance. He also cofounded and chairs the Trial Networks, a software company that helps clinical researchers collaborate more effectively and efficiently with drug developers to speed up drug discovery.

In 2011, Dr. Murthy was appointed to the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health. Over 100 national, State, and local public health organizations have endorsed his nomination. They describe him as “a well-qualified, forward-thinking, innovative leader with a strong commitment to public health.”

Does that sound like a political hack when 100 organizations say that about this doctor?

The organizations that support Dr. Murthy include the American College of Physicians, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Public Health Association, the American Hospital Association, the American Cancer Society, the American Heart Association, the American Diabetes Association, and the list goes on from there.

In his confirmation hearing before the Senate HELP Committee last February, Dr. Murthy stated that, if confirmed, he would prioritize his efforts on obesity and tobacco-related disease and “make prevention and health promotion the backbone of our communities.”

This is a priority I share with Dr. Murthy. For the past 30 years, serving in the House and Senate, I have worked on the issue of tobacco and public policy. I have worked to reduce youth smoking, implement programs to help people quit, and rein in the most insidious practices of the tobacco industry. Moreover, as a cochair of the Senate Hunger Caucus, I have become familiar with the complex and arguably unjust way food is distributed and consumed in America, leaving communities—including many in Illinois—simultaneously facing high levels of food insecurity and high rates of obesity.

Obesity and tobacco-related diseases are part of a growing trend of chronic disease that account for 7 out of the top 10 causes of death in America and make up 84 percent of America's health care costs. Dr. Murthy says these are his priorities. They should be. These statistics are unacceptable.

I believe Dr. Murthy understands the importance of the national crises before him. I feel confident that his experience, his training, and his tenacity have proved that he has the qualifications needed to tackle these issues.

Not only is Dr. Murthy an outstanding doctor and public health expert, he also remains closely connected to his community and family.

Dr. Murthy was born to parents who originally were from the southern part of India. He came to the United States at the age of 3 and grew up in Miami, FL. He did very well in school. He was valedictorian of his high school, graduated magna cum laude from Harvard in just 3 years, and then got a combined medical and business degree from Yale.

So Senators come to the floor and question this man's resume, his ability? For goodness sakes. He has an extraordinary background and that is why the President nominated him.

From a very early age, Dr. Murthy did not set out to make money, he set out to make a difference. In 1995 he co-founded Visions Worldwide, a nonprofit organization that conducts and supports HIV/AIDS education and empowerment programs in India. Until 2003, he served as the president of that organization and then board chair. He is a dedicated uncle and friend, consistently described by those who know him as humble, soft-spoken, and tireless. I know the Indian-American community across this Nation is so proud of Dr. Murthy's accomplishments, as all of us should be.

Many years ago I worked for a State Senator in Illinois named Cecil Partee. Cecil Partee used to say, For every political controversy, when you listen to the arguments, understand there is a good reason and a real reason.

What is the real reason for the opposition to Dr. Murthy? It may have come down to just one thing he said. It was alluded to by the Senator from Wyoming earlier. In an online post, he said he believed gun violence was a public health issue. Gun violence, a public health issue. For making that statement, he has been pilloried and excoriated by the gun lobby, and that may be a major reason why his nomination is controversial.

I am proud to represent the city of Chicago and the State of Illinois. Gun violence is a public health problem. Go into the emergency rooms—and I can give the names of the list of hospitals in Chicago to start with. Go to the emergency room on Friday or Saturday night and you tell me that gun violence isn't a public health issue. In those emergency rooms we see the victims of gun violence, many of them fighting for their lives. If we go to Mount Sinai Hospital in the Englewood section of Chicago, we can look across the street to a rehab institute. Those who have survived gun violence at Mount Sinai go across the street to the Schwab Rehabilitation Hospital and learn how to live a life as a paraplegic or a quadriplegic. Does that have anything to do with public health? It certainly does. Gun violence is a public health issue, no apology necessary.

I think Dr. Murthy, as has Dr. Koop, has made it clear they are not aspiring to be the leading doctor in America to engage in a political debate, but rather to engage in public health debates about obesity and tobacco and things that make a dramatic difference to the lives of so many people who live in this country.

I am supporting Dr. Murthy. I think he will be an extraordinary Surgeon General. I am sorry he and America have had to wait so long for this vote. I hope the majority of my colleagues will step up and support his nomination as well. At this time of challenge when it comes to public health issues, we need his leadership. We need his expertise. We need a person of this quality as Surgeon General of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO KAY HAGAN

Mr. REID. Madam President, North Carolina's official motto is a Latin phrase which means, simply translated, “To be, rather than to seem.” “To be, rather than to seem” means don't talk about being a hard worker—be a hard worker. Don't just pretend to be honest—be honest. If you talk about being sincere, be genuine about it. Senator KAY HAGAN, a native of Shelby, NC,

embodies her State's motto. She is as genuine and honest as anyone could be. It is no wonder that in 2008, when the country was seeking change, the people of North Carolina elected KAY HAGAN to the Senate. From the moment she arrived, she got to work. The very first piece of legislation she cosponsored was the Lilly Ledbetter Act. Having worked as a corporate executive, KAY is aware of the difficulties working women face. This legislation was personal to KAY, and she saw it through until completion. The daughter of a veteran, KAY spent her time in the Senate creating sound policies to protect and benefit members of the U.S. armed services and their families. She has done this by virtue of her position, not only as a Senator but on that important Armed Services Committee.

As a former executive of North Carolina National Bank, KAY knows all of the challenges facing businesses in her State and how women have a little different view of how difficult it is to work their way through the corporate world. She has fought tirelessly to create a better climate for small businesses to create jobs and grow. On any given issue, at any given time, KAY HAGAN has advocated her position and has done it well. She refused to give up until meaningful solutions were discovered.

While I am sure Senator HAGAN will take some well-deserved time off to think about her future, I am convinced that her service on behalf of the people of North Carolina and the American people is not going to end.

Senator HAGAN has a lovely family. We all like Chip very much. He is a Navy Vietnam veteran. She has three children—Tilden, Jeanette, and Carrie. I wish her family the very best as they transition into a new chapter of their lives.

On a personal basis, no one has impressed me more as being a hard worker. We are so disappointed that she is now going to have to find different public service. I have no inside information, but she could be back in this body. I have no doubt the people of North Carolina are going to miss her dearly.

I applaud KAY HAGAN for serving the American people with conviction, and I look forward to the great things she will accomplish for North Carolina and our country in the future.

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.

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

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

Ms. COLLINS. Madam President, I ask unanimous consent to speak as in morning business.

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

NATIONAL WOMEN'S HISTORY MUSEUM
COMMISSION ACT

Ms. COLLINS. Madam President, last week the Senate passed the National Women's History Museum Commission Act, a bill that I authored with the dean of the Democratic women Senators, Senator MIKULSKI of Maryland. It passed finally as part of the National Defense Authorization Act.

Our legislation will create a commission to evaluate and plan the establishment of a museum dedicated to women's history right here in our Nation's Capital. I know the Presiding Officer shares my view that this is long overdue.

I am in fact pleased to have had all of the women Senators as cosponsors of this bill, and I am thankful for the support of many of our other colleagues as well. Senator MIKULSKI has been a terrific co-leader, and I thank her for her leadership.

A women's history museum is long overdue in Washington, DC. Think of it. We actually have a museum dedicated to honoring buildings. We have museums along the mall that commemorate various aspects of our history. We have the Air and Space Museum. There is a privately run Spy Museum. There is the Newseum, which honors journalism. There is a museum that honors Native Americans. Americans from all over this country can come to Washington and learn about our history and the contributions of the people who have made our Nation the greatest country in the world. Despite the plethora of museums, however, there has been no museum dedicated to the women who have helped to shape our Nation's history.

The legislation that was finally approved last week calls for a commission to fund its own costs, and it would be paid for entirely with private funds at no cost to American taxpayers.

This commission would put forth a plan for establishing a museum on women's history so that people who are coming to Washington can learn about the enormous contributions of women to our Nation's history.

Indeed, American women have made invaluable contributions to our country across such diverse fields as government, business, medicine, law, literature, sports, entertainment, the arts, and the military. A museum dedicated to women's history will help ensure that future generations understand what it is we owe to the many American women who have helped to build, sustain, and advance our society.

Such a museum will share the stories of pioneering women such as abolitionist Harriet Tubman, the founder of the Girl Scouts, Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, astronaut Sally Ride, and my personal inspiration, Maine Senator Margaret Chase Smith.

I first introduced legislation to establish a museum for women's history in 2003. Early the following year, the Senate unanimously approved my bill.

Unfortunately, that legislation was not taken up by the House and died.

In 2005, the Senate again approved the legislation, but it too stalled in the House. With the passage finally of this commission bill, the effort to establish a museum for women's history in our Nation's Capital takes a positive step forward.

This bill will convene a talented, diverse, and skilled panel of historians, educators, museum administrators, and other experts with experience in women's history to make recommendations for the creation and the sustainment of such a museum.

It is important to emphasize that this museum will portray all aspects of women's contributions to our history, without partisanship or bias. The only political statement we will be making is to correct the longstanding omission of the role of women in America's history.

I also recognize and thank Chairwoman LANDRIEU and Ranking Member MURKOWSKI for their careful consideration of our bill by the Energy and Natural Resources Committee, which unanimously approved it last month.

Telling the history of the contributions of American women matters, and this bill takes a long overdue first step toward recognizing and honoring those who have shaped our shared American heritage. I look forward to the day when young girls and young boys visiting Washington will be able to visit a women's history museum to learn more about the remarkable contributions of American women to our Nation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. I ask unanimous consent that I be permitted to speak as in morning business.

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

TRIBUTE TO SAXBY CHAMBLISS

Ms. COLLINS. Madam President, it is a great pleasure but a bittersweet moment for me to rise on the Senate floor to pay tribute to a dear friend and an esteemed colleague, Senator SAXBY CHAMBLISS.

After 20 years in Congress—8 in the House and 12 here in the Senate—Senator CHAMBLISS retires from this phase of service to Georgia and to our Nation with a well-deserved reputation as a true statesman.

At a time when the coarsening political discourse across our Nation and here in Congress is a growing concern, Senator CHAMBLISS is a shining example of expertise and ability combined with civility and respect. He leaves Congress not only with many friends on both sides of the aisle, but also with many accomplishments to his credit.

His leadership in national security and intelligence in both Chambers has been a great asset to our Nation. From agriculture to armed services, Senator CHAMBLISS has been an informed and effective advocate for his constituents and for the American people.

The golfers here might consider the hole-in-one he famously scored in a foursome with President Obama last year to be worthy of mention. Personally, as the founder and cochair of the Senate Diabetes Caucus, I would consider his dedication to the cause of juvenile diabetes to be a true highlight.

I have also had the great pleasure of serving with Senator CHAMBLISS both on the Intelligence Committee, where he is the vice chairman, and previously on the Senate Armed Services Committee. I saw firsthand his extraordinary grasp of complicated issues that are so critical to the security of our Nation. I also witnessed how he would listen carefully to the views of others, whether on the Republican side of the aisle or from the Democratic Members on both committees.

But if there is one shining moment that stands out for me, it would be Senator CHAMBLISS's leadership in the Gang of 6 during the 2011 debt ceiling crisis. At a time when it was far easier to stand back, point fingers, and fix blame, Senator CHAMBLISS, along with Senator MARK WARNER, led the way in producing a framework to provide a bipartisan, comprehensive, and balanced way to put our Nation on a stable fiscal path. The fact that our national debt has grown from \$16 trillion to \$18 trillion since then makes it all the more imperative that we continue the effort, with the leadership that was shown by Senator CHAMBLISS and that he so courageously helped to start.

The fact that this dedicated and wise leader cited Washington gridlock and partisan posturing as the driving force in his decision to retire from the Senate should give us all cause to reflect.

Senator SAXBY CHAMBLISS has always been a voice of reason. No matter how bitter the debate, he has always engaged in thoughtful discussions that result in solutions. As he returns to private life, his advice will continue to be sought after and I hope heeded. His knowledge and insight will still be valued, and the example of decency and civility he has set should guide us all. I know his beloved wife, his children, and his grandchildren will be happy to have more of Senator CHAMBLISS's time, but for those of us who have been privileged to serve with him in the Senate, his decision to retire is a great loss.

The people of Georgia, the people of America, and those of us who have been privileged to serve as SAXBY CHAMBLISS's colleagues are grateful for his service. I wish him all the best in the years to come, both on and off the golf course.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTES TO DEPARTING SENATORS

MARY LANDRIEU

Mr. REID. Madam President, a noted author and analyst of human behavior, Stephen Covey, said, "Strength lies in differences, not in similarities."

For the last 18 years, Senate Democrats were stronger because of Senator MARY LANDRIEU. Her ability to shun political labels—instead of just going the route with Democrats and Republicans and Independents, she went her route. She made the United States a better place. She made the Senate a better place.

She had good training for being a consensus builder and somebody who liked compromise. I had the good fortune to serve in the Senate with other Louisiana Senators. I served with Bennett Johnston for many years on the Appropriations Committee. He was chairman of the Energy and Water Subcommittee on Appropriations. He was a good legislator. Not only did he help Louisiana a lot, he helped the country. And then there was John Breaux. He and I came to the Senate together. He was the dealmaker. He could put a deal together when no one thought one could be put together. So MARY LANDRIEU has had good Louisiana genes with those two men, and that is one of the reasons she has been as effective as she has been.

As I indicated, MARY came to the Senate with no partisan agenda. She was not interested in representing just liberals or just conservatives. She worked to represent all of Louisiana, which meant that sometimes she and I were not on the same side of an issue, and other times we were on the same side of an issue, but one thing was always certain: She was always on Louisiana's side.

The Landrieu family's political legacy runs long and deep in the State of Louisiana. She is the oldest of nine children. She is the daughter of Moon Landrieu, and her brother Mitch Landrieu is the mayor of New Orleans. Moon was a former mayor of New Orleans from 1970 to 1978, and was Jimmy Carter's Secretary of Housing and Urban Development.

A number of years ago, I toured New Orleans because she asked me to, as a member of the Appropriations Committee. I said, OK, I will go, but I have to see those pumps—p-u-m-p-s. I watched this show on national public broadcasting, and they talked about these old pumps that had been there since 1900 that still worked every day pumping the water.

New Orleans is below sea level and those pumps have to work 24 hours a day. I went to see those old, old pumps. They were so clean. That place was spotlessly clean using those very old pumps.

I toured Lake Pontchartrain. I learned so much about it. Most all of the highways in New Orleans were built using the seashells from that lake. Thousands and thousands of tons of shells have come out of that lake. They recently stopped doing that, after so many years, because they thought it would be damaging to the environment. But over the last 50, 60, 100 years, thousands and thousands of tons of shells came out of that lake. We all heard about Lake Pontchartrain during that huge storm that hit.

Also, as part of the tour of New Orleans, you had to go to her home, that little home where nine children were raised. It is really a beautiful little home—but nine children, wow. Her mom and dad were there. That was the first time I had been able to meet the famous Moon Landrieu.

When we came there, unannounced, he was making peanut brittle, and I got some peanut brittle. On occasion, that good man has sent me some of his homemade peanut brittle. So I think the world of MARY and her family.

She was very quick to follow in her father's footsteps. At the age of 23, she was elected to the State legislature, making her the youngest woman to have ever been elected to that body.

After 8 years in the legislature, she became the State treasurer for 8 years. In 1996, she was elected to the Senate, becoming the first woman in Louisiana ever elected to a full Senate term.

Since coming to the Senate, MARY has chaired the Senate committee on small business, and she was really good there. She is now the chair of the Senate Energy and Natural Resources Committee, the same full committee her predecessor Bennett Johnson chaired.

On the committee on small business, she reduced heavy Federal regulations and created tax relief for small businesses. As chair of the Senate Committee on Energy and Natural Resources, MARY LANDRIEU fought for Louisiana's industry and jobs. Even before she became chair of that committee, she did something that was impossible. People had been trying to do something like this in Louisiana for 50, 60 years, 70 years, 80 years, but she did it—she was able to get New Orleans and the whole State of Louisiana and the gulf coast some financial benefit from the offshore drilling. She did that. That is a legacy she will always have.

She always had Louisiana's interests at heart, and the people of Louisiana have been all the better because of it. For example, in the aftermath of Katrina, she stood up to the Bush administration and demanded more disaster relief for the people in Louisiana. The New York Times called her "the national spokeswoman for victims of the hurricane."

As her time in the Senate comes to an end, all Louisianians will miss having MARY in their corner. I wish MARY LANDRIEU and her husband Frank and their children Connor—who was re-

cently married—and Mary Shannon the very best.

I remember when MARY brought that little baby Mary Shannon to the Senate. She was a tiny little baby. Now this beautiful child has grown to be an expert horsewoman. She is one of those people who rides horses all the time. She has entered her horses in different contests and has done very well.

I have known Connor since he was a little boy. He is married, and they have a little baby named Maddox, and MARY is so proud of her grandchild. Her husband Frank is a wonderful human being. I think so very much of him. I hope we will continue seeing them. Very often MARY will bring her family to my office. She takes them out on the balcony that overlooks the Mall.

MARY has touched my heart for a number of things, but the one thing she has done, which has been unsurpassed, is her caring for children who have no parents—adoptions. She led the Senate in adoptions. Her two children were adopted. Connor and Mary Shannon were adopted. She is so involved in that program, and I know she will continue to be involved.

Here on the Senate floor we will all miss MARY, her voice of reason and moderation. I consider her to be a good friend, and I appreciate all she has done for me, the people of Louisiana, and our country.

JOHN WALSH

Mr. REID. Madam President, there is only one combat veteran of the Iraq war in the Senate, and that is GEN JOHN WALSH—Senator JOHN WALSH.

In 2004 General WALSH led the deployment of several hundred National Guard men from Montana to Iraq. He did the same thing a year later. It was a very difficult time for Americans in Iraq. General WALSH's men were in some of the heaviest battles. Many of them were wounded, and a number of them gave the ultimate sacrifice.

He led the largest deployment of Montana soldiers and airmen since World War II. For his service, JOHN was awarded the Bronze Star, the Legion of Merit Award, and the Combat Infantry Badge. JOHN came to the Senate a hero, and he will leave the Senate a hero.

He treated his time in the Senate like his time in the Army—he volunteered for the most difficult assignments here in the Senate. For example, Saturday night it was late—we thought we may have to be in here all night—and he volunteered to be here all night, not having to be relieved. He agreed to be here all night. He said: That is what I am here for.

He served the people of Montana admirably in the Senate. I thank him for his service over the past year.

I thank his family—his wife Janet, his sons Michael and Taylor, and granddaughter Kennedy—for their sacrifice in supporting his work here in Washington, DC.

I wish him the very best. He was the lieutenant governor of Montana, a job I held in the past, and we talked about that.

I don't know what the next chapter in his life will be, but knowing the courage and integrity of JOHN WALSH, it will be an important chapter.

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

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

Mr. WYDEN. I ask unanimous consent to speak as in morning business.

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

Mr. WYDEN. Madam President, my friend Senator THUNE and I are on the floor this afternoon to speak together about the Internet Tax Freedom Act. Before that, I wish to spend a few minutes discussing Senator ROCKEFELLER and his extraordinary accomplishments. I know that Senator THUNE, after he and I have spoken about the Internet Tax Freedom Act, will make some additional remarks. I commend the work of Senator THUNE on charitable contributions. He and I have led the effort to protect charitable donations. Neither of us consider charity efforts as some kind of tax loophole. We consider them a lifeline for the American people.

So I look forward to the remarks of the Senator from South Dakota on several issues.

TRIBUTE TO JAY ROCKEFELLER

With respect to Senator ROCKEFELLER, one of the challenges right now for some of us is to get our arms around the idea that Senator ROCKEFELLER will no longer be serving in the Senate. This is a challenge for me especially because I remember watching Senator ROCKEFELLER's work years before I had entered public life.

Right after I got out of law school, we started the Oregon Gray Panthers. I had a full head of hair and rugged good looks. We were passing around petitions for the wonderful work Senator ROCKEFELLER was doing on behalf of the elderly. He was in the vanguard even then in the health care field. I know the Presiding Officer from the State of Wisconsin has been very interested in this—in ensuring that there are more options for older people, particularly in the long-term care setting.

We were passing petitions around—the Gray Panthers back in those days—urging that Americans and the Senate all rally to Senator ROCKEFELLER's work to ensure that there were more alternatives to nursing home care. It was just the beginning of the effort to create more options for home care for seniors. Now it is an idea we pretty much accept as gospel. But Senator ROCKEFELLER, as has been the case, was way ahead of his time. That is really the time when I began to really be a charter member of what I guess I will

call the Rockefeller grassroots delegation that was sweeping the country for health care reform.

As the Presiding Officer and our colleagues know, Senator ROCKEFELLER's accomplishments in a number of fields have been exceptional. They span a host of issues, from cyber security to reducing violence on television to improving our transportation system and, of course, we have all seen his leadership in reining in some of the excesses of the CIA. He is a very strong supporter of the rank and file—the thousands of individuals who work in the intelligence field who are as patriotic as it is possible to be and do wonderful work to protect our people. Senator ROCKEFELLER has said that as they do that work, they are stronger when there is vigorous congressional oversight, and we are very grateful for his work. I have sat next to him on the Intelligence Committee for many years and have watched his leadership there.

Today, though, as chairman of the Senate Finance Committee, I wish to focus in particular on Senator ROCKEFELLER's work on that committee. I will start by noting that his service on the Finance Committee is really a family legacy. His great grandfather, Nelson Aldrich, the Senator from Rhode Island, not only served on the Finance Committee but is often described as one of the committee's most distinguished chairs. On the committee Senator ROCKEFELLER has exercised similar influence.

JAY ROCKEFELLER has served on the Senate Finance Committee for 28 years—longer than all but 11 other Senators—and his tireless work on the committee has had a profound and positive impact. He has been a leader on maintaining a strong U.S. trade policy, while thinking creatively about Asia long before it became cool. He also has been a great advocate for fairness in the tax system—something I know many of us consider a special priority at this time.

Senator ROCKEFELLER has paid special attention to programs such as the Trade Adjustment Assistance Program, including the health coverage tax credit, the earned-income tax credit, and the child tax credit. That was drawn from recommendations of the National Commission on Children which Senator ROCKEFELLER, as is the case so often, ably chaired.

So I wish to speak about the common denominator in these kinds of efforts. It is really pretty direct because it captures JAY ROCKEFELLER's approach to public service and to life: Reach out to those who don't have power and clout, those who don't have a lot of political influence and political action committees, and lend a hand. Make the difference. Particularly for millions of Americans to whom JAY ROCKEFELLER gave voice, now they have an opportunity—millions of men, women, and children—to enjoy better lives and a more secure future because of JAY ROCKEFELLER's strong moral compass.

Now, as I touched on at the beginning of my comments, my first experience in watching JAY ROCKEFELLER—I am of the view that health care is the area where Senator ROCKEFELLER's legacy is going to be especially important. In a sense, JAY ROCKEFELLER always captured the notion that if you and your loved ones don't have their health, it is pretty hard to do anything else. In other words, if you aren't feeling well, if you are facing a chronic illness, how do you jump up and enjoy the wonderful outdoors of Oregon, Wisconsin, and West Virginia? So JAY ROCKEFELLER always said that health care was a special priority for him, and we see it in a whole host of accomplishments.

JAY ROCKEFELLER has been a leader in the fight against Alzheimer's and other neurological conditions. He was a powerful and persistent voice, particularly in advocating for low-income Americans in the Affordable Care Act. I am especially pleased to note that Senator ROCKEFELLER, along with my colleague and partner on the Finance Committee Senator HATCH, really played the key role in creating the Children's Health Insurance Program. This is a program I hope not only will be extended but also strengthened in the next Congress. As many Members of this body know, JAY ROCKEFELLER's work to protect and expand Medicaid is without equal.

Over the past half century, we can count on one hand the Senators who have done an extraordinary amount to improve the health care of America, and when we look at that handful of Senators, JAY ROCKEFELLER is right at the top.

I started with a personal comment about JAY ROCKEFELLER, and I wish to end with one. When Chairman Baucus chose to take the Ambassador position in China, where he is doing a fine job, JAY ROCKEFELLER was next in line to replace Chairman Baucus. Make no mistake about it, JAY ROCKEFELLER would have been an outstanding chairman of the Senate Finance Committee. But his decision to decline that opportunity and to continue his work on the Senate commerce committee allowed me to accept the position as the chairman of the Finance Committee and the responsibility that has gone along with it. That kind of approach was really characteristic of JAY ROCKEFELLER—not wanting to push himself out front. As I have indicated, I told him I think he would have been a superb chairman of the Senate Finance Committee. But I wish to note on the personal side, as I started on the personal side, my thanks to JAY ROCKEFELLER.

So I close simply by saying that now, as the chairman of the Finance Committee and in the years ahead, my goal—when we take up issues such as health care, tax fairness, and a trade policy that lets us tap global markets but works for the middle class worker—and I think it is the goal of other members of the Senate Finance Committee—it is our goal in the days ahead

to live up to the high standard that Senator JAY ROCKEFELLER has set.

With that, I yield the floor on my remarks about Senator ROCKEFELLER.

INTERNET TAX FREEDOM ACT

Now, for a few minutes, Senator THUNE and I are going to talk about the Internet Tax Freedom Act and our involvement in it. The story about the Internet Tax Freedom Act really starts in the 1990s. This was a period when I think policymakers were starting to think about how we lay out a framework for addressing the various challenges to ensure that the Internet would tap its full potential. We wanted to ensure that the Internet would tap its full potential for innovation, for commerce, for learning, for health care. I want to make it clear, we weren't talking about inventing the Internet. What we were talking about was laying out a set of policies to ensure it would be possible for our country and for persons all around the world to tap the full potential of the Net.

I got my start with the former Congressman from California, Chris Cox, when we were looking at the challenge of what would happen if a Web site or a blog was held liable for something that was posted on the Web. The two of us, much like Senator THUNE and I have done over the years on the Internet Tax Freedom Act, tried to really unspool all the implications. It became very clear back in the 1990s that if a Web site or a blog was held liable for something that was posted on the site, nobody would ever go out and invest in what we now know to be the social media because the last thing they would do is put their money into something where they would be hit and hammered with all kinds of litigation and lawsuits. Our former colleague Chris Cox and I wrote the laws that ensured that a Web site would not be held secondarily liable. In fact, at that time, all this was so new that our approach, which relied on voluntary filters and the like to deal with smut, and another approach that was more of an old-fashioned censorship approach—both—went to the Supreme Court, and the Supreme Court upheld our approach and struck down the other.

Today, if you talk to many people in the social media, they cite that law as really being the key that unleashed modern investment in the social media because if you ran a Web site or a blog, you knew you wouldn't be held secondarily liable for something you couldn't control. I think it is fair to say that Congressman Cox and I, we were intoxicated about the fact that we had written this law, upheld by the Supreme Court, and we thought about what ought to go next in terms of trying to lay out a framework, as I indicated, to tap the full potential of the Net. Early on in our discussions, we came across a situation with respect to taxing the Internet that was particularly troubling. What we found was that if someone bought a subscription

to a newspaper and they bought the online edition, they got hit with a big tax. But if they bought the offline edition—what we call now the snail-mail edition—they didn't get taxed. Congressman Cox and I said then that this is not going to help promote innovation. That is not going to allow the Internet to grow. It is just plain discrimination. It is discriminating against the Internet. It is singling the Internet out. You have to pay taxes for the online edition of the publication but you don't have to pay a tax if you buy the snail-mail edition. We wrote the Internet Tax Freedom Act to protect the openness and viability of the Net for the platform for commerce speech and the exchange of ideas.

As both Senator THUNE and I have seen over our years of working together on this, this has become important to the millions of American citizens and businesses who depend on the Net. I think it would be fair to say—Senator THUNE and I discussed this—it is likely the Internet would be subject to the same level of punitive taxation that is currently inflicted on wireless services without the legislation we wrote. Without the Internet Tax Freedom Act, access to information in America would no longer be tax-free—access to online communication would no longer be tax-free. Access to the global marketplace so crucial to America's economic future would no longer be tax-free. The cost to consumers could be hundreds of dollar a year per household, which certainly is a burden to many working-class families who right now are walking on an economic tightrope trying to balance the food against the fuel and the fuel against the college costs and all of the challenges we know for working-class families in Wisconsin, Oregon, and across the country.

Senator THUNE and I have been working together on this issue for a number of years. I want to thank him for our partnership over the years. Now we have gotten a bit of seniority. We chaired a subcommittee on the Finance Committee, and we really see these issues as central to economic competitiveness.

This is what we need to grow and prosper with more good-paying, high-skill and high-wage jobs for middle-class people. That is why we have introduced together legislation that would really set our tax policy in this part of the economy into the 21st century. That is the Digital Goods and Services Tax Fairness Act. This legislation ensures the digital goods will continue to be treated fairly, consistently, and predictably across State lines, just as their nondigital competitors. Because the Internet Tax Freedom Act has been temporary, Senator THUNE and I authored new legislation to make the Net tax-free permanently. Our bill is cosponsored by more than half of our Senate colleagues.

Most importantly—and this is why I think we are on the ascent in terms of

support for our cause—the House passed a permanent bill in July putting the ball in the Chamber's court here. This body could take up and pass our permanent legislation—the permanent legislation Senator THUNE and I have authored—on a permanent basis if it chose to do so. But because the Congress has become too reliant—we certainly have seen this in a number of areas on stop-and-go government—it was necessary to once again pass a yearlong extension as part of a larger bill. The extension, in my view, is certainly a positive step. But in my view, it is clearly time. In fact, it is long overdue to enact a permanent law, to guarantee the certainty and predictability to all who are seeking to innovate online, to the people in a garage, whether it is in Wisconsin, Oregon or anywhere else, and to have some sense of what the ground rules are going to be.

That is what I sought to be a part of in the 1990s. That is why I am so grateful for Senator THUNE's leadership, because he has been a partner in this cause now for many years on the Finance Committee. Our view is that a permanent law in this area would be hugely valuable to innovation, to the small businesses, and to the people who have a good idea, because it would provide them a new measure of certainty and predictability when they are looking at what is coming out of Washington, DC.

We have temporary measures, and we have measures that last a few weeks. Senator THUNE and I want to get away from that.

I am very hopeful that next year a permanent version of the Internet Tax Freedom Act will be enacted. Senator THUNE and I are going to continue to work together on a bipartisan basis until that is done.

With that, I yield the floor for my partner from South Dakota and thank him for all his leadership.

The PRESIDING OFFICER. The Senator from South Dakota.

TRIBUTE TO JAY ROCKEFELLER

Mr. THUNE. I thank my colleague from Oregon Senator WYDEN for his continued leadership on this issue. I want to echo what he said about Senator ROCKEFELLER.

I had the opportunity to serve as his ranking Republican on the Senate commerce committee and really enjoyed serving with him during his chairmanship and learned a lot. He is someone who has great experience here—36 years in the Senate. I have been here now for 10. So I have a lot to learn from people like Senator ROCKEFELLER.

We did some good things together. We just recently got through the Senate the cyber security bill that the commerce committee passed earlier this year and the satellite television reauthorization this year, which ended up being—it is always somewhat controversial to move that legislation, but we were successful in getting that ultimately enacted this year. We moved

the STB reauthorization bill, Surface Transportation Board, which had rail reforms in it, out of the commerce committee. Unfortunately, they didn't get it considered on the floor of the Senate but had hearings on numerous issues that are under the jurisdiction of the commerce committee. I appreciate so much Chairman ROCKEFELLER's leadership and his service here. Like him, I come from a small State. We share a lot of things in common. We came from small communities and represent people who work hard and just want a fair break and want to make sure that the people they elect to represent them in Washington, DC, are staying focused on the issues that are important to their livelihood. I appreciate his leadership on those issues.

I have to say that he stands tall among our colleagues. I think he probably has the distinction of being the tallest Senator. The Senator from Oregon, Senator WYDEN, and I are not far behind. But if Senator ROCKEFELLER ever stood up all the way, I think he would have us by several inches. The tall-guy caucus here in the Senate will be less represented when Senator ROCKEFELLER departs. I have always enjoyed his sense of humor and the way in which he approaches the job and the passion he feels for public service. We wish him well in his retirement and thank him for a long and distinguished career here in the Senate.

INTERNET TAX FREEDOM ACT

I wish to say to my colleague from Oregon—he mentioned earlier that he was the pioneer on this issue, going back to 1998 when he worked with former Congressman Chris Cox. That was the original Internet Tax Freedom Act. I am hopeful that both our permanent bill, which Senator WYDEN mentioned, the ITFA bill, and our Digital Goods and Services Tax Fairness Act can be considered as early as possible in the next Congress.

The Senator from Oregon, Senator WYDEN, is the chairman of the Senate Finance Committee—a very powerful committee here in the Congress—and will continue his leadership in the next session of Congress as the ranking Democrat on that committee. He will be a very influential voice on all of these issues—tax matters, trade matters, health care matters. The Finance Committee has a very broad jurisdiction. It is really important that we get this part right.

If you look at what most Americans have dealt with when it comes to Internet service, they have not been taxed on Internet access for 16 years due to the Internet Tax Freedom Act moratorium that Senator WYDEN and Senator Cox were able to get instituted back in 1998. That moratorium has been extended three times. It has been critical to the rapid growth of the Internet. All of this would change if we allowed the Internet Tax Freedom Act to expire.

We were able to get through the end of this next fiscal year—which will be September 30 of next year—an exten-

sion of the moratorium. But the fact of the matter is, as Senator WYDEN mentioned, we need permanency with regard to this tax policy. We need certainty. We need predictability. We need people in this country to know—American families to know—they are not going to be hit with substantial taxes as a result of the lapse of this particular legislation.

You look at what it could do to the average American family. The average State telecommunications tax rate is roughly 12 percent. Imagine a married couple with two children where everyone in the family has a phone with a \$50 data plan. Currently, the Internet Tax Freedom Act prevents taxes on the data plan in States that didn't have these taxes prior to the law's enactment, which is a large majority of the States. If this law expires, this family of four would be likely to see at least a \$20 increase in their monthly phone bill, meaning a tax increase of more than \$200 a year. For families struggling to make ends meet, as Senator WYDEN pointed out, this is real money.

This tax increase would not just be bad for American families and American consumers, it would also be bad for American economic competitiveness because we know that higher costs for the deployment of high-speed Internet will mean a slower rollout of this technology.

This is especially the case in rural America, where the cost of exploring high-speed Internet is often higher than urban or suburban areas. By keeping the cost of Internet access as low as possible, we help to encourage the continued use of the Internet as a source of economic growth, creativity, and entrepreneurship.

As the incoming chairman of the Senate commerce committee, I am committed to increasing Internet connectivity in this country. Whether it is through the Universal Service Fund, by getting additional spectrum into the hands of the private sector, or by providing regulatory certainty to encourage broadband buildout, our committee is going to be looking at all available options to make sure more Americans have access to high-quality Internet.

Unfortunately, if the Federal Government allows new taxes to be levied on Internet access, we risk canceling out our other efforts to get more Americans online. This does not make any sense. We all need to be rolling in the same direction if our country is going to be connected and engaged in this expanding Internet ecosystem.

Earlier this year the House of Representatives, as Senator WYDEN pointed out, by voice vote passed a bill to make the Internet Tax Freedom Act permanent, which is a very positive step forward. I am hopeful that next year we will move on a much longer term extension of ITFA as well as other measures that promote the digital economy, such as the Digital Goods and Services Tax Fairness Act that I mentioned earlier.

As incoming chairman of the commerce committee and as a member of the tax-writing Finance Committee, I am looking forward to a new agenda next Congress, one that is optimistic and forward-leaning, an agenda that recognizes that the dynamism in our economy today should not be a source of concern but, rather, a source of opportunity for jobs, growth, and economic freedom. This agenda begins with support for the Internet Tax Freedom Act. That is why I am pleased the bill we passed Saturday evening extends the Internet Tax Freedom Act through September 2015 so that we can have a debate next year about how we promote the Internet economy with all of its benefits on a much more permanent basis.

I look forward to working with my colleague from Oregon, Senator WYDEN, and Senators on both sides who I think care deeply about this critical issue moving forward early in the next Congress. As the Senator from Oregon mentioned, I think half of the Members of the Senate are cosponsors of this bill. That suggests to me that obviously there is broad, bipartisan support for what we are talking about here.

I also look forward to working with Senator WYDEN on other issues that are important to the digital economy. Digital trade is something he and I have partnered on in the past as well. As we look at the trade agreements that are currently being negotiated—the TPP as well as the TTIP trade agreements with Europe—all need to include important protections for the digital economy.

This is one of the areas in our economy where we actually have a trade surplus. Because of American ingenuity, know-how, creativity, and innovation, we continue to lead the world in this area. We need to make sure that we not only are putting in place the important safeguards here in this country against taxing these services but also ensuring that we have access to other markets around the world where we know American know-how and American ingenuity and creativity can lead the way.

I very much look forward in the next Congress to continuing to work with my colleague from Oregon on these important matters so that we can continue to see middle-income families in this country benefit from the gains in productivity that come, hopefully a higher standard of living, higher take-home pay, better wages, and better job opportunities that come with a robust, vibrant digital economy that enables our broader economy to continue to make great gains.

I thank the Senator from Oregon, Mr. WYDEN, for his leadership on this issue both past and present. I look forward to working with him as we try in the future to make sure that those gains are protected and that we move even further in the direction of economic freedom when it comes to the Internet.

SUPPORTING AMERICA'S CHARITIES ACT

I would like to shift gears and speak, if I might for just a moment, about another issue which I think is very important to our overall economy and very important to a lot of people across this country, both those who give to—empower charitable giving in this country and those who benefit from it.

Last week the House of Representatives voted on a piece of legislation that would empower Americans to give more to charity. The legislation would accomplish this by making permanent three tax incentives for charitable giving that have been in law on a temporary basis. All three of these tax provisions have historically enjoyed strong bipartisan support.

First, the bill would make permanent the law allowing individuals 70½ years of age and older to donate up to \$100,000 of their individual retirement account to charity without incurring a tax penalty for doing so.

Second, the bill would make permanent the enhanced deduction for food inventories, thus encouraging businesses to donate food that might otherwise go to waste to food pantries and other organizations that help to feed the hungry.

Finally, the bill would make permanent certain tax rules that make it easier for farmers and other land owners to donate land for conservation purposes, thus helping to preserve America's natural habitat. This last provision, I might add, is included in President Obama's 2015 budget.

These are commonsense measures that will help to promote what I believe is a core element of the American experience; that is, private citizens helping friends and neighbors in their time of need. What could be more appropriate during this season of giving than the government making it a little bit easier for Americans to lend a helping hand?

Unfortunately, this Christmas season the Obama administration has a different message for America's charities and the millions of individuals they serve. That message is "bah humbug." That is right. Instead of working with us to help America's charities, the Obama administration promised to veto this bill should it pass the House and the Senate. Apparently the President is so opposed to any new tax relief, he has decided to oppose a bill with significant bipartisan support.

Let's be clear that this measure is not some budget-busting bill. In fact, this bill would provide about \$1 billion per year in tax relief to Americans who donate to charity, which would have almost no impact on a Federal budget of nearly \$4 trillion.

One measure of the bipartisan nature of this legislation is the fact that the Democratic chairman of the tax-writing Finance Committee, Senator WYDEN, who was here briefly a moment ago, supports this measure. In fact, Chairman WYDEN recently indicated

that he hoped we could get this measure to the President's desk quickly. He stated:

My view is we'll pass it as a clean bill and send it on to the President. I really don't see a lot of controversy.

That was from the chairman of the Senate Finance Committee.

Unfortunately for Senator WYDEN and me, along with many of our colleagues in both parties who see an opportunity to get something meaningful enacted before the end of this year, this White House sees yet another opportunity for gridlock. So I would say I strongly believe promoting charitable giving should be a high priority.

Earlier this year Senator WYDEN and I circulated a letter signed by 33 of our Senate colleagues to then-Finance Committee Chairman Baucus and Ranking Member HATCH urging them not to weaken the charitable tax deduction in any tax reform effort.

As a member of the Finance Committee, I have not signed many letters on tax reform, as I generally believe that everything needs to be on the table. However, I made an exception when it came to charitable giving because I believe so strongly that promoting charity is an integral part of who we are as a nation.

Much like the deduction for charitable contributions, the provisions of the Supporting America's Charities Act represent important means by which to encourage Americans to give more to charitable organizations. Unfortunately, due to opposition from the President, this legislation fell a few votes short of passage last week in the House when it was considered under suspension of the rules, which is a process that requires a two-thirds majority vote.

That being said, I intend to introduce similar legislation early next year, and I strongly urge the President of the United States to reconsider what I believe is his misguided opposition to these very worthy provisions. I hope the administration will join us in a spirit of good will toward all men and women, especially those of our fellow citizens most in need of assistance.

ABLE ACT

I wish to finally speak today regarding a bill that I am very pleased has moved through this Congress—I should say will be moving shortly—and that is the Achieving a Better Life Experience, or ABLE, Act. This bill will assist individuals with disabilities by creating a mechanism to achieve long-term personal savings—something individuals with disabilities are effectively prohibited from doing today under current law.

The ABLE Act would create tax-favored savings accounts for people with disabilities that would count toward the \$2,000 individual asset limits that apply to the Supplemental Security Income and Medicaid Programs. The ABLE Act will allow individuals with disabilities and their families to save money to pay for qualified disability

expenses, such as education, a primary residence, transportation, and other personal support expenses.

This legislation helps achieve a world where disabilities are no longer viewed as a limiting factor as individuals plan for jobs, for school, and for family life. It helps achieve a world where Federal policies no longer impede individuals with disabilities from achieving their dreams. It helps give parents peace of mind as they think about what the future holds for their children.

I have met with many families on this issue, and one story in particular stands out, the story of Tim and Jamie Geels from Dakota Dunes. They have three sons, and their middle son, Tyler, is a concrete example of a young South Dakotan who will see tangible changes to his future as a result of the ABLE Act.

The ABLE Act is one of the most far-reaching pieces of legislation to help individuals with disabilities in nearly 25 years. I am proud to be a cosponsor. Long hours and intense effort shaped this legislation into a package that helps Americans with disabilities and is fiscally responsible as well. I am proud to support the ABLE Act, as modified. I look forward to Senate passage of this very worthy legislation later this week as part of the tax extenders legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

WORK OF THE COMMERCE COMMITTEE

Mr. NELSON. Madam President, before the Senator from South Dakota leaves the floor, let this Senator say that I am looking forward to working with him since he will be our chairman of the Commerce Committee next year. I will have the privilege of being the ranking member. We have a fairly full plate of things that must be done: FAA reauthorization, telecommunications rewrite. Fortunately, it looks as though we have just done a Coast Guard bill, but there can always be tweaks to that. There are a host of things. We are way beyond on NASA reauthorization. Fortunately, we have been able to build on the NASA reauthorization that was done in 2010, but that needs to be updated. There are all kinds of consumer legislation as we get into things such as this thorny issue of Internet access. It is going to take some real bipartisan cooperation.

In my discussions with the future chairman, Senator THUNE, I am looking forward to working with him on this very important committee.

Mr. THUNE. Madam President, I know the Senator from Florida has things he wants to talk about, but I do want to take this opportunity to mention that I very much look forward to working with him. I think we have the potential for a real foundation, hopefully, for accomplishment on our committee.

The Senator from Florida is someone who has an interest in working in a bipartisan way to get things done for our country. I know of his great interest, being from Florida, in the space program and NASA, in oceans. Oceans are not an issue we have to deal with a lot in South Dakota; it is an issue our committee deals with. It is an issue that is very important to a lot of our colleagues on the committee as well as the Senator from Florida. So I welcome the opportunity to work with him.

As he mentioned, these are tough, thorny issues—telecommunications issues, transportation issues, the highway bill, FAA authorization, perhaps something on rail. There is a whole range of issues falling under the jurisdiction of the commerce committee that are going to require an extraordinary level not only of support from the members of our committee but a willingness on the part of those of us—the Senator from Florida and I—to hopefully craft an agenda to get things done for this country.

I appreciate his kind words and would reciprocate by saying how much I look forward to working with him and hopefully to have a real record of accomplishment as we head into this next year.

I thank the Senator from Florida for his kind words and wish to let him know we will be doubling down next year, working as hard as we can to put some points on the scoreboard that are good not only for the State of Florida and for the State of South Dakota but for America and for our economy, because we have so many things under the jurisdiction of the commerce committee that contribute to a stronger and more robust economy in this country.

TAX EXTENDERS

Mr. NELSON. Madam President, I wish to speak about a tax bill that is coming up that is fairly necessary for the country. The Senator from South Dakota and I have the privilege also of serving on the Finance Committee, and there is an example where we just haven't been able to get a lot done. Now, here we are at the eleventh hour and fifty-ninth minute with a whole bunch of provisions about to expire that are extremely important to American taxpayers, such as the research and development tax credit.

American businesses and American taxpayers would like to have some certainty of knowing, as they are doing their planning for the year, that they can plan on this or that deduction or tax credit. In Congress, for the entire past year, we have not had etched into law, because it has expired, a number of these tax deductions and credits that I am going to go through. But the R&D tax credit is only one example.

So how in the world can American business and the American taxpayers plan? Take, for example, the Senator has a State where agriculture is predominant. So does this Senator.

There are a number of ranchers in the State of Florida who want to do-

nate a conservation easement on their property to keep that property, in this case of ranching families, that they have been ranching for centuries. They want that way of life to continue.

There is an interest in environmental restoration; for example, the Everglades restoration, that the headwaters that ultimately flow to the Everglades be preserved from being developed. So there is an interest in the environment to obtain the development rights or a conservation easement.

It is clearly in the interests of the taxpayer, likewise, to have observed that conservation easement because that is the easiest way of cleaning up the water that ultimately flows into the Everglades. So the conservation easement is a win-win-win. It is a win for the rancher, it is a win for the taxpayer, and it is a win for the environment.

But the poor ranchers, because we have not passed the tax extenders bill, here they are at the end of the year and they would like to make the donation of the conservation easement. How are they going to get it done in the next couple of weeks if we don't pass it until almost the midnight hour?

It is just another example, and I look forward to working with the Senator from South Dakota. I hope we can pass it this week so at least some of it can be salvaged before the end of this tax year.

I have given two examples and I will give another: the wind energy production tax credit. It provides a credit for electricity produced by the wind.

There is a lot of wind out in the middle of this country. It is a good way to produce electricity. It is called renewable electricity. It has brought our electricity sector into the 21st century. It has reduced our dependence on carbon-based electricity.

It makes sense. If someone visits a country such as Denmark, look how many windmills there are. I still call them windmills, but they are wind turbines. They are highly sophisticated, finely tuned machines, blades that will take the least bit of wind and turn that big blade that is hundreds of feet long. As it turns, it is generating electricity.

Yet for the entire past year people who want to establish these wind farms don't have any certainty that they will be able to get this wind energy production tax credit.

The purpose for the tax credit is to give the businesses an incentive to establish wind farms which, No. 1, becomes a win for the environment; No. 2, becomes a win for the business that is in the business of wind energy production; and, No. 3, becomes a win for the consumers because it is weaning us from producing electricity only from a carbon-based fuel that ultimately sends CO₂ into the atmosphere. We know what is happening with a lot of CO₂ up there, it creates the greenhouse effect.

As the Sun's rays come in and bounce off the surface of the Earth and reflect

or radiate back out into space, suddenly the glass ceiling—the greenhouse effect of carbon dioxide and other greenhouse gases—traps that heat. What happens? The increasing temperature of the planet, 90 percent of that heat is absorbed into the oceans and, as a result, we are seeing the sea level rise.

For a State such as mine, the State of Florida, NASA has measured over the past 50 years—not drafts, not projections, measurements—5 to 8 inches in South Florida of sea level rise in Florida.

By the way, check the papers. Yesterday the pumps didn't work. Alton Road in Miami Beach was flooded. The mayor of Miami Beach, when he was campaigning 1 year ago, went in a kayak down Alton Road as a demonstration of how the sea level rise at high tide is flooding streets of Miami Beach. It brings me back to this extenders tax bill we need to pass this week: the wind energy production tax credit.

Another example is the work opportunity tax credit, which encourages people who work to hire disadvantaged people. It provides a tax credit for businesses that hire people who have a difficult time getting a job. It encourages the private sector to help these folks get out of a difficult spot in their lives, because they have disadvantages, to become independent, to stand on their own two feet because they can go to work. That is the purpose of a tax credit for work opportunity, but that hasn't been in effect all this year, 2014.

We pass this tax extenders bill and it will retroactively take it back to the 1st of the year and make this tax credit—and these others I have mentioned—available as people are calculating their Federal income tax for the calendar year 2014.

Another is rollover IRAs to charities. It is when you get to a certain age—and I believe the age is 70—and you have an IRA. By law, setting up the IRAs which are nontaxable—recall all the years you put money in those IRAs, you put that money into the IRA before you paid tax on it.

When you bring money out of the IRAs that you have had all of your life, you are going to pay the tax, and that more than likely is going to be during your retirement years. That is what an IRA is for. It is called an Individual Retirement Account.

By law, under the IRA law, when someone gets to be 70, they have to start taking out a certain amount of that IRA.

We have had a provision in the Tax Code that is an incentive to give that money that people have to take out to charity. Therefore, it provides an easier way for people who have to take the money out of their retirement accounts to give that money to charity because, when they take it out, it doesn't become taxable before they give it to the charity.

In other words, it is a transfer of the tax-free dollars in the IRA directly

over to charity. It is a win for the taxpayer, and it is a win for the charitable organizations because there is an incentive there to give that money to charitable organizations.

If we don't pass this tax extenders bill, that is not available for all of this year of 2014. Think what that is going to do to some charities and what it is going to be doing to taxpayers who have been planning on that deduction and suddenly find it is not available.

Another example is there are a few States—maybe half a dozen—that do not have a State income tax, but often the State government is in fact funded by the State sales tax. My State of Florida is one of those States. The State of Washington is another, and the State of Texas is another. There are about three others.

Therefore, if someone is in a State that has a State income tax, and they are calculating their Federal income tax, they can deduct the State income tax in the deduction of the Federal income tax.

What about the poor people in the States that don't have the income tax? They should be able to deduct the similar tax that we pay in our States, the State sales tax, and that provision has been there in the Tax Code, but it is not in there for 2014 because it lapsed, and we need to reenact it.

This is not a way to run a railroad and tax policy, but unfortunately, because it seems to have the word "tax" to it, it seems to be radioactive and, as a result, we have to wait until the eleventh hour and the fifty-ninth minute to pass it.

I certainly hope we will pass it this week.

Let me give you another example—the deduction for mortgage insurance premiums. When you want to buy a home, the bank negotiates and sets up a mortgage so you can buy the home. Most banks will require you to take out an insurance policy should you fail to pay on that mortgage. We have always had the deductibility of that insurance premium in calculating Federal income taxes, and it particularly helps low- and middle-income people deduct the amount they pay for private mortgage insurance. So, therefore, what does that do? That helps those low- and middle-income folks buy a home.

Isn't home ownership something that is desirable in America? I think so. Well, we better pass this tax extenders bill.

I will give another example—excluding forgiven mortgage debt from income. It allows people to exclude forgiven mortgage debt from their income. Why am I raising this? Well, haven't we just gone through the worst recession since the Great Depression? Didn't some people get so upside down in their mortgage—with their mortgage being at this level, but the value of their home dropping to this level—so that they owed a much greater amount on their mortgage than the value of

their home? What they tried to do was work with the purchaser and the bank that holds the mortgage. That is called a short sale. The bank forgives part of that debt—the difference between the mortgage amount and the value of the home.

The poor taxpayer, the homeowner, instead of treating what they have been forgiven as income—they have just had to take a shellacking because of the value of their home dropping below the value of the mortgage. Lo and behold, when they get a break and sell in a short sale, they end up having to pay income tax on that amount of debt that was forgiven.

I don't think we want to do that. That is why we have this provision to exclude that debt forgiveness from the income tax. But for all of the last 12 months it is not going to be forgiven if we can't pass this tax extenders bill. I think we better get serious about it. We are talking about looking at this as the last piece of legislation this week to pass before we leave. We better get serious about it.

And lastly, let me say that every one of us wants to treat teachers the right way. Teachers haven't been treated the right way. As a matter of fact, a lot of teachers are pulling money out of their own pockets because their school districts are not providing enough money for school supplies for those little children. Those unselfish teachers are going into their own pockets to bring out money to provide the supplies so the kids can learn. Now if a courageous and unselfish teacher does that, should we not at least give them a deduction of that amount they paid for those school supplies for their children? Shouldn't we let them deduct that in calculating their income tax?

We have in the past. But we haven't for calendar year 2014—this present year. And that is another one of the deductions that I hope the Congress will pass this week in order to take care of our people.

But as we go through this in the future, why do we have to keep waiting until the last minute so people can't plan, so people get nervous, so people don't know what to do, so people don't know how to invest, so people don't know how to preserve their land, their business, and the future for their families? This is no way to run a railroad.

Let us at least salvage some kind of victory from the jaws of defeat. I hope we will pass this bill in short order.

I yield the floor.

THE PRESIDING OFFICER (Mr. WALSH). The Senator from Vermont.

SOCIAL SECURITY

Mr. SANDERS. Mr. President, it is no secret to anyone in America that the middle class of our country today is struggling; that while millions of American workers are now working longer hours for lower wages than they did in some cases 30 or 40 years ago—we are looking at a 40-year decline of the middle class—that almost all of the new income being generated today is

going to the top 1 percent. Tragically, the United States has the most unequal distribution of income and wealth of any major country on Earth.

But the issue is not just for the middle class right now or for working families. The issue of the economic crisis we are in significantly impacts senior citizens and children, the most vulnerable people in this country. My hope always has been that as a great nation we will not turn our backs on the children of America. But year after year that is exactly what we do. We continue to have millions of children living in poverty. In fact, we have the highest rate of childhood poverty of any major country on Earth. Almost 20 percent of our kids live in poverty. We have about one out of four children in America who gets their nutrition from the food stamp program.

I worry very much about the future of this country if we cannot stand with the children of America; if we cannot make sure that working parents all over this country have high quality, affordable childcare. That is certainly not the case right now, despite the fact that virtually all psychologists recognize that the most important years of a human being's life are zero to four. But our childcare system is a disaster.

It is not only the children we have turned our backs on. Increasingly we are turning our backs on senior citizens as well. It has distressed me for a number of years to be hearing many of my Republican friends and some Democrats talking about the need to cut Social Security—to cut Social Security. There are various schemes out there—some of them have to do with the so-called chained CPI—which would reformulate how we determine cost-of-living adjustments for seniors. This means, in fact, over a period of years significant reductions in what seniors and disabled veterans would get.

We have worked, I have worked, in opposition to that concept for years. I think we have beaten it back, but I have no doubt that it will surface again. There are folks who want to cut Social Security, and, in my view, we have to do everything we can not only to defeat that proposal but we have to begin talking about how we expand Social Security benefits. Because today the kind of benefits that millions of seniors get are simply not adequate for them in terms of giving them the income they need to purchase the medicine they require, the food they need, the fuel to heat their homes in the wintertime, and other basic necessities.

In terms of Social Security, let me be very clear. Despite what folks on TV may be saying, and some politicians may be saying, Social Security is not going broke. Let me repeat: Social Security is not going broke. Today Social Security has a surplus in the trust fund of \$2.76 trillion—a surplus of \$2.76 trillion—and can pay out benefits to every eligible American for the next 19 years, to the year 2033. So anyone who comes forward and says Social Security is

going broke, that is just factually not true. Social Security can pay out every benefit owed to every eligible American for the next 19 years.

We also hear the argument: Well, we have a large deficit, and Social Security is one of the causes of our deficit and our national debt. That is absolutely inaccurate. Social Security has not contributed one nickel to our deficit or our national debt, because Social Security, as every worker in America knows, is independently funded through payroll tax contributions from workers and employers—6.2 percent from each—and it does not receive funding from the Federal Treasury.

So, a, Social Security is not going broke; and, b, it is not contributing to the deficit. But I will say this about Social Security. In an incredibly volatile economy, the stock market goes up, the stock market goes down. Social Security, from its inception 79 years ago, through good economic times and bad economic times, has paid out every nickel owed to every eligible beneficiary with minimal administrative cost.

Social Security is not an investment program. You can invest money on Wall Street, and sometimes you do well. You can invest money on Wall Street, and sometimes you lose your shirt. Social Security is a social insurance program. It has never failed 1 American in 79 years. That is a pretty good record.

But even with Social Security being strong and solvent for the next 19 years, we have to recognize we do have a retirement crisis in America today. I fear very much that the appropriations bill just passed the other day, which will allow pensions for millions of workers to be cut, is only going to exacerbate that problem. Today in America only one in five workers has a traditional defined benefit that guarantees income in retirement.

Amazingly enough, when we talk about anxiety among the American people, stress among the American people, and why people are angry, why they are fearful, over half of all Americans have less than \$10,000 in savings. Stop and think about that. If you have less than \$10,000 in savings, an automobile accident or needing a new car can wipe you out; an illness can wipe you out; a divorce can wipe you out. So we have millions and millions of Americans sitting there wondering how they are going to retire with dignity when they have \$5,000, \$8,000 or less in savings.

Here is the importance of Social Security: Two-thirds of senior citizens today depend upon Social Security for more than half of their income; one-third of all seniors depend upon Social Security for at least 90 percent of their income.

So when we talk about cutting Social Security, understand that a third of seniors depend upon Social Security for at least 90 percent of their income. This is not extra money; this is not fun

money; this is life-and-death money. This is money that people need to buy medicine, food, and to keep their homes warm in the wintertime.

I wish I could say otherwise, but the truth is that the percentage of seniors living in poverty in America is going up. In 2011, the official senior poverty rate was 8.7 percent. Last year the official senior poverty rate was 9.5 percent. That is a pretty significant increase in senior poverty.

But if we look at the Census Bureau's more comprehensive measure of poverty, which takes a careful look at the out-of-pocket medical costs for seniors, the poverty rate for seniors is even worse. According to this supplemental poverty measure from the Census Bureau, the real senior poverty rate in America is actually 14.6 percent. What that means is that one out of seven seniors living in America last year could not afford to meet their most basic needs.

The average Social Security benefit today is just \$14,000 a year. As someone who will be the next ranking member of the Budget Committee, I intend to do everything I can not only to oppose vigorously any efforts to cut Social Security, I am going to do everything I can to expand Social Security benefits.

In fact, the best way to expand Social Security is to ask the wealthiest people in our country to pay more into the system by scrapping the cap on income that is subject to the Social Security payroll tax. As the Presiding Officer knows, right now a billionaire pays the same amount into Social Security as someone who makes \$117,000 a year. So if there is a multimillionaire here—somebody who is making \$50 million—and somebody who is making \$117,000, they both contribute the same amount into the Social Security trust fund. This is regressive. This is unfair. This is absurd. If we lifted this cap and applied the Social Security payroll tax to income above \$250,000—not \$117,000, but \$250,000 a year, we could not only extend the solvency of Social Security for decades to come—which is what we want to do—but we could also provide the resources necessary to expand Social Security benefits. That is exactly what we should be doing, and that in fact is what the American people want us to do.

In August 2014, a poll by Lake Research Partners asked likely voters if they support the idea of:

... increasing Social Security benefits and paying for that increase by having wealthy Americans pay the same rate into Social Security as everybody else.

Interestingly, the poll found that 90 percent of Democratic voters said they support the idea, and 75 percent strongly support that idea of lifting the cap; 73 percent of Independent voters support that idea, 55 percent strongly support it; 73 percent of Republican voters support that idea, 47 percent strongly support it.

So there is for that idea enormously strong support across the political

spectrum, Democrats, Independents, Republicans.

Sadly, despite this overwhelming support for expanding Social Security, the CEOs at the Business Roundtable—the organization representing the largest corporations in America—came out with a plan last year which does exactly what the American people do not want to do. The American people want to expand Social Security and the Business Roundtable came out with a plan that would increase the Social Security retirement age from 67 to 70 and severely cut the COLA of senior citizens and disabled veterans.

The Congress and the Senate here have got to make a very fundamental decision, and that is: Do we listen to the American people who are hurting today—the seniors who have worked their whole lives but who cannot get by in what in many cases are meager and inadequate Social Security benefits—do we listen to them? Do we stand up for and with the people who helped build this country—who worked the farms, who worked in our factories, who served us in our Armed Forces? Do we stand with them and expand Social Security, or do we listen to those on Wall Street and corporate America who want to cut Social Security benefits and in some cases want to privatize Social Security?

This is a huge issue for tens of millions of Americans. I intend to do everything I can not only to resist cuts to Social Security but to do everything we can to expand Social Security benefits for those seniors and disabled vets who desperately need that expansion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

BOUGH NOMINATION

Mr. GRASSLEY. Mr. President, Members of the Senate, in a few hours, maybe within this day or tomorrow, the Senate will be voting on several nominees to be district judges. I come to the floor to speak about one of these, Stephen Bough, of Missouri, for a seat on the District Court of the Western District of Missouri.

As I do with every nominee, I thoroughly examined Mr. Bough's record with an eye at giving him and others the benefit of the doubt if problematic issues arose. After full consideration of that record, I am regrettably unable to support this nominee. There are just too many data points—red flags, if you will—which tell me that Mr. Bough doesn't have what it takes to serve in a lifetime appointment on the Missouri District Court.

These red flags all relate to one troubling question the nominee's record raises: whether Mr. Bough has the temperament to be a Federal judge. I have come to the conclusion that he doesn't have that type of temperament. So I would explain my conclusion.

First, there is the issue of this nominee's professional conduct. A specific incident from last year demonstrates how Mr. Bough has engaged in what I

believe to be unethical behavior that precludes him from service on a Federal bench.

Last October, a member of the Mississippi bar drew my attention to the nominee's participation in a civil case in Federal District Court. The presiding judge on that case was the nominee's former employer, Senior District Judge Scott O. Wright.

About a week before the nominee signed on to the case, the plaintiff's attorney asked the court to transfer the case to another judge. Judge Wright denied that motion the next day. Then, just 1 week later, the nominee entered his appearance in the case. Mere hours after that, Judge Wright recused himself without any motion from the parties.

Now why did Judge Wright do that? Well, when Mr. Bough joined the case, he created a conflict of interest with Judge Wright. You see, Mr. Bough was Judge Wright's law clerk and remains his close personal friend today. In fact, Judge Wright had added the nominee to his personal conflicts list in January 2006, and Mr. Bough was well aware that he was on the conflicts list. So Mr. Bough knew that by joining the case Judge Wright was guaranteed to recuse himself—and that is exactly what the plaintiffs tried unsuccessfully to do just 1 week before Mr. Bough signed on and forced that recusal by creating the conflict with the judge.

Now we can reasonably ask, why is this significant? Well, what the nominee did here is known as judge shopping. It is an unethical litigation practice that has been strongly criticized by courts throughout the country. Essentially, it is when a lawyer knowingly creates a conflict with a judge in order to get the judge kicked off a case and replaced with a new and perhaps more favorable judge. That is the shopping part.

The Michigan Supreme Court has explained that judge shopping “exposes the legal profession and the courts to contempt and ridicule.” The Fifth Circuit calls judge shopping “sheer manipulation of the justice system.” Another Federal court has noted that the practice is “universally condemned.”

This isn't the kind of professional conduct we can accept in a nominee to the Federal bench.

I gave Mr. Bough several opportunities to explain his conduct in questions for the record that I submitted to him. What I learned from his responses was this: The nominee knew that by joining the case he created conflict requiring Judge Wright's recusal.

I also asked the nominee to provide our Judiciary Committee with the work he says he did while he was an attorney on that case. You see, I wanted to know whether the nominee joined the case in good faith to work and to do it for the client, or joined just to create a conflict with the judge.

Mr. Bough responded that he provided advice and edits on only three documents. I requested those docu-

ments twice, and I told the nominee to redact any content protected by attorney-client privilege. The nominee has refused to provide those documents to me. The nominee has not provided to me memorandums, billing records, or any other materials to support his claim that he actually was working on that case; nor did the nominee attend any depositions or other pretrial hearings in that case. He made no filings with the court.

In short, Mr. Bough has provided me with almost nothing to support his claim that he actually did substantial work on the case during the 7 months he represented the client.

It is for this reason and for the circumstances I have already described that I am led to believe that the nominee's entry of appearance was not in good faith. It looks to me like a textbook case of judge shopping.

But the judge shopping is only one of many red flags. Let me discuss another that gives me serious pause.

The nominee has been active in Democratic Party politics in the Kansas City area for a number of years. Now I want to make it very clear that I don't hold that against him. I have said frequently over the years that I never disqualify a judicial nominee just because he or she has been politically active. Instead, the issue for me is whether a nominee has shown that they can shift gears and put aside their previous political advocacy once they put on the judge's robe. This nominee's record makes it abundantly clear that he wouldn't be able to make the switch from political advocate to impartial arbiter of law.

I will give you an example. In recent years the nominee has written a number of blogs and those posts have been about national politics. I have read his posts. I would say some are of a stridently political nature. Those don't bother me. Others though are simply too crude and sexist for me to quote. I challenge any Democrat who is voting for this nominee to read those blogs aloud to the public. I am confident none of my colleagues will do that. So I will just say that the sheer coarseness of those posts led me and other members of our Judiciary Committee to question whether Mr. Bough has a temperament suited to the lifetime judicial service.

Unfortunately it is not just the blog posts that make me ask that question. The nominee has shown in other contexts that he is first and foremost a political operative rather than a zealous advocate for a client or officer of the court. For example, Mr. Bough has lodged two obviously frivolous and abusive complaints with the Federal Elections Commission against a congressional candidate whom he opposed ideologically. In 2008 the Commission dismissed the first of these complaints in a brief opinion. But in 2012, Mr. Bough redoubled his efforts and filed a second 93-page complaint against the same candidate. This time the Com-

mission responded with a lengthy and meticulous opinion that is striking in its strong language dismissing each of Mr. Bough's allegations.

The Commission criticized Mr. Bough's allegations as “vague and speculative” and said any violation which may have occurred was so minor as to not merit consideration. The opinion concluded that Mr. Bough's complaint had no basis for its allegations and was without merit. So the bottom line is that the nominee was using a government agency as a tool to harass a political opponent.

As I said earlier, that is behavior indicative of a political operative, someone who is not going to be able to put it all aside and consider cases objectively once he becomes a judge.

From time to time some of my colleagues on the Judiciary Committee have commented that the best evidence for the type of judge a nominee will be is the type of lawyer they have been. So I think there is a lot of wisdom in that view. With this nominee we know what kind of lawyer he has been, defending an unsavory client or representing an unpopular cause is one thing; we expect lawyers to do that—our system in fact demands that they do that—but acting as a political operative is an entirely different matter, and that is the kind of lawyer this nominee's record shows him to have been: a lawyer steeped in bare-knuckled political combat.

I said at the beginning of this statement that I am inclined to give nominees the benefit of the doubt when I come across something in their record that raises my eyebrows. I probably would have done that with this nominee, too, if there had been just an isolated issue or a noncharacteristic lapse in judgment. But that is not what we have here with Mr. Bough. Not only do we have unethical judge shopping, to that we have to add a number of crass, sexist, and insulting blog posts, and to that we also add a pair of frivolous complaints that abused the jurisdiction of a government agency in order to harass a political opponent.

There are too many red flags for me to support this nominee.

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. 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 today to discuss the Tax Increase Prevention Act. We are now getting down to the end of the year. It is important that we get our work done. An important part of that work is passing the Tax Increase Prevention Act. It is often referred to as the tax extenders package. What it really does is it extends tax credits and deductions used

by small businesses across this country. The Tax Increase Prevention Act will extend for 1 year 55 different tax credits and deductions that expired either at the end of 2013 or during 2014.

This is a bill that has already passed the House, and it passed with a huge margin, with a bipartisan vote of 378 to 46.

One of the most important provisions in the act is the section 179 depreciation and expensing provision for small businesses. That is the provision I particularly want to focus on today and talk about and discuss why it is so important for our small businesses and for our entire country.

Section 179 allows farmers and other small businesses to expense and depreciate property they have purchased or repaired for their operations. That is important to them so that they don't see a tax increase, but it also keeps our economy going. Without it, small business will buy and repair less equipment, slowing down our manufacturing base and slowing down our economy. Quite simply, that means fewer jobs. It is not only because small business's costs are increased, but it is also because of the uncertainty that is created when they don't know the rules of the road. That is why this fix needs to be done on a permanent basis.

I think it could have been done on a permanent basis this year. We were working on a deal until the President threatened to veto that legislation. So now we have a 1-year fix, but we have broad support in this Chamber for the 1-year fix. We need to pass it now and then go back to work on a permanent fix next year.

I was home for the weekend about a week ago, and I was talking to some of the farmers in our State. They told me what they have been telling me for some time now; that is, they need the section 179 expensing and depreciation, they need to know the rules of the road, and they need to know it now.

We are at year-end. They are doing their year-end planning. They are doing their tax work. Some are still negotiating on buying equipment for next year. The depreciation and expensing rules affect the decisions they make. They will also affect the number of jobs in our economy. Agriculture alone is responsible for 16 million direct and indirect jobs in our economy. Ag is also a sector of our economy that produces a positive balance of trade. American agriculture provides the highest quality and lowest cost food supply in the world. It is something that benefits every single American every day.

Section 179 expensing and depreciation is important for other small businesses as well. And it is not just small businesses, it helps keep our large industries going too. For example, Case New Holland and John Deere have manufacturing plants in my home State. They produce tractors, balers, and other equipment. In addition, they also make industrial equipment. When farmers and other small businesses

slow down their purchase of equipment, these manufacturing facilities slow down as well. It means less business, fewer workers needed, and fewer jobs. That is how it works. It is that simple. The truth is that small business is the backbone of our economy in this country.

The hallmark of America is that it has historically been the best place in the world to do business. It is where everybody has always come to do business. We have always had the best legal, tax, and regulatory business climate. We provided the certainty businesses need to invest, to hire people, to create jobs, and to grow the economy. That is the rising tide that lifts all boats—a higher standard of living for our people and revenue from economic growth, not higher taxes, to reduce our debt and deficit to get them under control as well.

Let's create that certainty for our farmers and small businesses across this great Nation. Let's make sure their taxes don't go up. Let's start by passing the Tax Increase Prevention Act and section 179 expensing and depreciation now.

I would like to close by reading from some of the letters I have received from some of my constituents. I think so often that the hard-working taxpayers of North Dakota, the small business people there who are getting it done every day, say it best.

The first one is from Dick Hedahl, owner of Bismarck-based Hedahls Auto Plus. He said: Without section 179 and the bonus depreciation, Hedahls Auto Plus would really have felt the pinch last year when we purchased equipment to service diesel powered trucks and heavy equipment.

Since the growth in the Bakken, his services have been especially important because he can save clients thousands of dollars by refurbishing worn diesel engine blocks. What makes the refurbishing possible is the 100 percent American-made equipment Hedahl bought in 2012 and 2013 for \$450,000. At a 34-percent tax rate, he says he would not have been able to make those equipment purchases work, but with section 179 expensing and depreciation, he was able to make those things work. As a result, he is providing jobs in the western part of our State. Hedahls Auto Plus employs more than 200 people.

Another constituent wrote in. Leann Slaubaugh of Rolette writes:

I am concerned about Section 179 and what this is doing to the agricultural sector in North Dakota. Farm equipment is not being sold, as the farmers are concerned about the amount they will have to pay taxes on. I farm with my husband and work at a small town farm supply. Farmers have quit spending due to low commodity prices and Section 179. I am concerned with the effect on our small town economy if Section 179 is not revised. After meeting with our tax consultant, we are concerned with the possible tax liability we are facing and what this means to the future of our family farm. Please push for revision of Section 179.

Dennis Miller, who grew up in Stark County and worked for an ag equipment dealership for 28 years, is similarly concerned. I am going to paraphrase from his letter. Four years ago he started his own business, Southwest AG Repair, Inc. He sells new McCormick tractors and repairs all brands of farm equipment. He has six employees.

Mr. Miller wrote to me earlier this year, anxious about the expiration of section 179:

It is going to cut sales of farm equipment drastically if the farmers don't get a tax incentive to purchase equipment. The loss of sales will create backlash in the economy throughout the State and the country. There has to be a better way to create the tax revenue.

Mr. Miller, there is. You create tax revenue with economic growth, not higher taxes, just like you create jobs, create economic activity, getting that rising tide that lifts all boats—that is when it enables us to invest in the future of our country, the roads and bridges, our schools, and all of the things people want for this great Nation. But it comes from a growing economy. Of course, that is what creates the jobs we need for our families across America.

So when we talk about the Tax Increase Prevention Act, that is what we are talking about. We are talking about making sure here at the end of the year that taxes don't go up on hard-working taxpayers across this country, that taxes don't go up on our small businesses across the country, and that we understand that is truly the backbone of our economy, that all those people and all those small businesses are the ones who make our economy go every minute of every day.

It is time to act. The time is here. The votes are here on a bipartisan basis in this body to get it done. Let's get it done. Our American citizens, our hard-working taxpayers have waited long enough.

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

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

SALDANA AND DEYO NOMINATIONS

Mr. CARPER. Mr. President, it is good to see you here today. The place is a little empty. I am glad the Presiding Officer, our staff, and our pages are all here.

I rise today to urge my colleagues to support two critical nominations to the Department of Homeland Security. They are Russ Deyo to be the Under Secretary for Management at the Department of Homeland Security and Sarah Saldana to be the Assistant Secretary for Immigration and Customs Enforcement.

The committee which I am privileged to lead, along with Dr. TOM COBURN,

the Homeland Security and Governmental Affairs Committee, is responsible for working with the administration and others to help protect our Nation's security at home and abroad. At the same time, we strive to make sure Federal agencies work better and more efficiently with the resources that are entrusted to them by the American people.

During my years of public service, I have learned that the most important ingredient in helping organizations to work is leadership. I do not care whether the organization is a body such as this, a governing body, I do not care whether it is a sports team, a business, college or university, a school, the most important ingredient in the success of that organization is leadership.

The Presiding Officer is one who has led the National Guard for the State of Montana for a number of years. He knows just what I mean. I thank him for his service and for his leadership.

When it comes to the Department of Homeland Security, the absence of leadership throughout the Department has been a great challenge and a major cause of the low standing in terms of employee morale that Department faces.

As we know, the Congress is going to soon wrap up our session for the year—in a couple of days. Senators have the obligation to fill two key leadership posts in the Department of Homeland Security in the days that lie ahead. One is the Under Secretary for Management. Mr. Deyo has been nominated by the President. I believe he is a Republican. The other is the Assistant Secretary for Immigration and Customs Enforcement, Sarah Saldana.

As we all know, this Department plays a critical role in protecting our Nation from a number of threats, including terrorism, cyber attacks, and natural disasters, just to name a few. Given the Department's significant role in the security of our country, it is critical that Secretary Jeh Johnson have a full leadership team in place. That includes Russ Deyo as his Under Secretary for Management. That is the third highest position in the Department.

I wish to take a couple of minutes to explain why Mr. Deyo's nomination is so important. As of this week more than 10 months will have passed since the last Senate-confirmed Under Secretary for Management, Rafael Borrás, stepped down from his post. He was an excellent public servant, a great leader. We salute him and wish him well. But he has been gone for almost a year, and since then the Department has not had Senate-confirmed leadership. They need it.

Under Secretary Borrás was widely respected by members of our committee in the Senate and the House and others for his leadership, management expertise, and most of all, maybe, for his candor. He helped the Department make strides in many areas and led the Department to its first clean financial

audit—something the Department was able to achieve again this year for the second year in a row. Why is that important? I have a friend, and if you ask him how he is doing, he says: Compared to what? Well the Department of Homeland Security—it took them almost a decade to get an unqualified audit, a clean financial audit. The Department of Defense has been around a whole lot longer—since the end of World War II. They have yet to get a clean financial audit. They are making some progress finally. But the Department of Homeland Security achieved it 2 years ago and then again this year.

I think it is safe to say that the Department needs somebody with the same kind of commitment and leadership Rafael Borrás brought. I believe, Secretary Johnson believes, and the President believes Russ Deyo is that person.

Mr. Deyo had an impressive career in the private sector, for 27 years helping to lead Johnson & Johnson, one of the top companies not just in America but in the world. There, he was the general counsel, and he was vice president for administration. We are so lucky that someone with his capabilities, his commitment, his smarts, his leadership skills, and his integrity is willing to serve in the Federal Government at this level. He also spent the last 15 years serving on the executive committee at Johnson & Johnson, which is the principal management group responsible for the company's global operations. He was also a partner at a major U.S. law firm.

Russ Deyo is no stranger to public service and working with law enforcement organizations. He was assistant U.S. attorney for New Jersey for 8 years. That included a period of time as chief of public corruption unit there.

His perspective from the private and public sectors will be an invaluable asset to Secretary Jeh Johnson, particularly as the Secretary implements his Unity of Effort Initiative at the Department, which strives to help the Department operate in a more unified, cohesive manner across all components.

If confirmed, Mr. Deyo will have a number of other challenges on his plate. For example, our friends at the Government Accountability Office continue to remind us that the acquisition and budgeting systems at the Department of Homeland Security are not fully mature. In fact, the overall management of the Department remains on the Government Accountability Office's high-risk list of government operations that need urgent attention. Of course, if Mr. Deyo is confirmed, he will inherit the challenges of improving morale across the Department. These are tough challenges, and some have been around since the creation of the Department. But I believe Mr. Deyo has the leadership experience and the skills necessary to tackle these challenges and to really make a difference.

I will take a moment here, if I can. Every year there is a nonprofit organi-

zation that looks across the Federal Government and asks questions of a lot of employees to really ascertain where morale is high, where some of the favorite places are for people to work in the Federal Government. The Nuclear Regulatory Commission for a number of years has led the pack there. There are roughly 15 big Departments that are part of that survey, but all told, there are something like 314 Federal agencies that are surveyed to make up this list, and the Department of Homeland Security runs dead last among the big Departments that are surveyed. Out of all of the Federal agencies that are surveyed, and there are 314 in all, ICE, Immigration and Customs Enforcement, which Sarah Saldana has been nominated to lead—dead last. Dead last. One of the reasons why, when I talk to people at the Department of Homeland Security, employees, whether they happen to be customs agents, whether they happen to be folks down on the border, Border Patrol, whether they happen to be TSA folks—whatever role they are playing across the country and around the world, among the major factors they point to, explaining the low morale, is lack of leadership, lack of confirmed leadership. We have worked so hard to address that. We have two holes left. One of them will be filled by Mr. Deyo—we need to confirm him—and the other by Sarah Saldana.

Here is what former DHS Secretary Michael Chertoff—Judge Chertoff—had to say when he introduced Mr. Deyo at his confirmation hearing before the homeland security committee earlier this year. Here is what the former Secretary said:

Russ brings to the position he has been nominated for a broad range of experience with one of the best enterprises in the world.

That is Johnson & Johnson.

You will find him to be a smart, experienced, and devoted public servant who will actually bring a unique set of skills to this job which are very critical.

This is a former Secretary of the Department. He said:

I could not give a stronger endorsement to Mr. Deyo for this position.

Mr. Deyo has also received strong endorsements from three former Under Secretaries for Management at DHS, people who have had this job, done this job before: Paul Schneider, Elaine Duke, and the immediate past Under Secretary, Rafael Borrás, whom I mentioned earlier. Here is what they had to say. Here is what the three of them, in unison, had to say about Russ Deyo:

Russ Deyo is an outstanding choice by the President to be Under Secretary for Management.

An impressive leader, he brings the requisite skills, experience, and leadership to this important position. He is recognized as a professional, unflappable statesman who can meet head-on the challenges this position faces and get results.

I have had the privilege of meeting with him. I don't make snap judgments about people, but he is one impressive

human being, one impressive leader. Everything I have learned about Mr. Deyo over the past several months has led me to conclude that he would be not only an exceptional candidate to be a manager at DHS but a terrific Under Secretary if confirmed.

I urge all my colleagues to support the nomination of Russ Deyo.

I wish to take a few more moments to turn to the nomination of Sarah Saldana to be the Assistant Secretary for Immigration and Customs Enforcement at the Department of Homeland Security.

We call it ICE, the acronym. As I said earlier, of the 314 Federal agencies that are evaluated top to bottom in terms of employee satisfaction, ICE was dead last, No. 314.

It has been almost 1½ years since they had a Senate-confirmed leader. They need one—not just anyone, they need a terrific leader. We believe Sarah Saldana fills that bill and meets the qualifications and the needs very well.

Immigration and Customs Enforcement—ICE, as we call it—is a vital law enforcement agency within the Department of Homeland Security. As I said earlier, it has been without a Presidentially appointed and confirmed leader for almost 1½ years—far too long, particularly considering all the issues we face along our borders and the more than 400 laws—think of that—that this agency, ICE, Immigration and Customs Enforcement, is required to enforce.

Some of my colleagues may not be familiar with what ICE does and why it is so critical for the agency to have Senate-confirmed leadership in place.

I wish to take a minute to address that. ICE is one of the Nation's law enforcement agencies, with more than 19,000 employees in all 50 States, the District of Columbia, and 48 foreign countries. What do all these people do? That is a fair question.

In 2013 ICE special agents initiated over 125,000 new investigations, made over 40,000 criminal arrests, seized \$1.3 billion in currency and assets and took \$1.6 million pounds of narcotics and other dangerous drugs off our streets. That is just part of what they do.

On any given day ICE arrests 370 criminal aliens in the interior of our country, has 34,000 people in detention, and moves nearly 500 criminal aliens from our country—on any given day. Managing such a large agency, with one of the most complex missions in the Federal Government, is a tall order. Thankfully, Ms. Saldana has agreed to step up to this challenge.

She is a true American success story. She rose from humble beginnings in South Texas as the youngest of seven children to become an accomplished partner at a major law firm. She is now the Nation's top law enforcement officers.

Ms. Saldana was unanimously confirmed by the Senate in 2011 to her current position as U.S. attorney for the Northern District of Texas. She has a

distinguished record representing the U.S. Government as the senior law enforcement officer in one of the largest districts in the Nation.

It spans some 100 counties. I don't know how many counties the Presiding Officer has in the State of Montana—we have three—but she presides over a law enforcement operation that has 100 counties in the northern part of Texas.

In this role, she deals as closely and extensively as anyone else with the threats this country faces every day from transnational criminal networks. This experience will serve her well if confirmed to lead ICE.

Don't take my word for it. One of our good friends in the Senate, JOHN CORNYN, the senior Senator from Texas, felt strongly enough about her qualifications that he personally introduced Ms. Saldana at her confirmation hearing before the committee Dr. COBURN and I lead, the Committee on Homeland Security and Governmental Affairs.

Senator CORNYN said about Sarah Saldana:

In her role as U.S. Attorney and prosecutor over the past decade, Ms. Saldana has served our State with honor, fighting corrupt public officials, organized crime, sex traffickers, and other dangerous criminals.

That sounds like a highly qualified candidate to me. That is not all Senator CORNYN had to say about Ms. Saldana. He went on to say this as well:

If respect for the rule of law is our standard, and I think it should be, we would be hard pressed to find a person more qualified to enforce the law than Ms. Saldana.

That is high praise indeed and I couldn't agree more.

Some are arguing we should not confirm Ms. Saldana because of the President's recent Executive action on immigration. This decision will provide, though, relief from deportation for as many as 5 million undocumented immigrants living in the shadows today, law-abiding people who are productive members of our communities.

Still, some argue the President's actions should preclude the Senate from confirming even a highly qualified candidate such as Sarah Saldana to this critical position. I think that is absurd.

We have before the Senate a highly qualified candidate, a person who—according to her neighbor and the senior Senator from Texas—is fiercely independent, has served with honor in her current role, and respects the rule of law.

It does not punish the President to leave this position unfilled, it punishes the citizens of our country. It makes it harder for ICE to accomplish its mission, and it hurts the men and women at ICE who deserve a leader to ensure that this agency runs as efficiently as possible.

I believe the President acted within the bounds of the law in announcing his executive action. But whether you agree with me, opposing Ms. Saldana's nomination will do nothing to change what the President has done, nothing.

I hope Ms. Saldana, the first Hispanic person and second woman to be nominated to Immigration and Customs Enforcement, does not fall victim to politics as usual in the Senate. She is by all accounts exactly what this critical agency needs: a proven leader and a respected member of the law enforcement community.

What do they say about integrity? If you have it, nothing else matters. Integrity, if you don't have it, nothing else matters. She has it.

She will have a tough job ahead of her if she is confirmed this week, but I believe she is more than up to the task. I urge so strongly for our colleagues to join me, to join Senator CORNYN, and others to support her. We will never regret it.

With that, I am looking around the Senate Chamber. I know we are going to have a lot of folks voting, but I don't see anybody to speak.

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. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARPER. I have been asked to lead us through this wrapup session, even though it is a little early to wrap up, but I want to walk through it if I can.

COLLECTIBLE COIN PROTECTION ACT

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 2754 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 2754) to amend the Hobby Protection Act to make unlawful the provision of assistance or support in violation of that Act, and for other purposes.

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

Mr. CARPER. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 2754) was ordered to a third reading, was read the third time, and passed.

REVISING THE BOUNDARIES OF CERTAIN JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM UNITS

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous