

counterfeit mark on or in connection with the drug"; and

(C) in subsection (f), by striking paragraph (6) and inserting the following:

"(6) the term 'drug' means a drug, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)."

#### MEASURES DISCHARGED

Mr. CARPER. As in legislative session, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of the following items, which are postal naming-bills, and the Senate proceed to their consideration en bloc: H.R. 3027, H.R. 4416, H.R. 4651, H.R. 5331, and H.R. 5562.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. CARPER. I ask unanimous consent that the bills be read a third time and passed en bloc and the motions to reconsider be laid upon the table en bloc with no intervening action or debate.

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

#### BARRY M. GOLDWATER POST OFFICE

The bill (H.R. 3027) to designate the facility of the United States Postal Service located at 442 Miller Valley Road in Prescott, Arizona, as the "Barry M. Goldwater Post Office," was ordered to a third reading, was read the third time, and passed.

#### STAFF SERGEANT MANUEL V. MENDOZA POST OFFICE BUILDING

The bill (H.R. 4416) to redesignate the facility of the United States Postal Service located at 161 Live Oak Street in Miami, Arizona, as the "Staff Sergeant Manuel V. Mendoza Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### SPECIALIST KEITH ERIN GRACE, JR. MEMORIAL POST OFFICE

The bill (H.R. 4651) to designate the facility of the United States Postal Service located at 601 West Baker Road in Baytown, Texas, as the "Specialist Keith Erin Grace, Jr. Memorial Post Office," was ordered to a third reading, was read the third time, and passed.

#### COLONEL M.J. "MAC" DUBE, USMC POST OFFICE BUILDING

The bill (H.R. 5331) to designate the facility of the United States Postal Service located at 73839 Gorgonio Drive in Twentynine Palms, California, as the "Colonel M.J. 'Mac' Dube, USMC Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### FEDERAL CORRECTIONAL OFFICER SCOTT J. WILLIAMS MEMORIAL POST OFFICE BUILDING

The bill (H.R. 5562) to designate the facility of the United States Postal Service located at 801 West Ocean Avenue in Lompoc, California, as the "Federal Correctional Officer Scott J. Williams Memorial Post Office Building," was ordered to a third reading, was read the third time, and passed.

#### VETERANS TRAUMATIC BRAIN INJURY CARE IMPROVEMENT ACT OF 2014

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4276 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. 4276) to extend and modify a pilot program on assisted living services for veterans with traumatic brain injury.

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 with no intervening action or debate.

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

The bill (H.R. 4276) was ordered to a third reading, was read the third time, and passed.

#### JUANITA MILLENDER-McDONALD POST OFFICE

Mr. CARPER. Mr. President, as in legislative session, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 5687 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. 5687) to designate the facility of the United States Postal Service located at 101 East Market Street in Long Beach, California, as the "Juanita Millender-McDonald Post Office."

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 with no intervening action or debate.

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

The bill (H.R. 5687) was ordered to a third reading, was read the third time and passed.

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—Continued

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

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

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

NOMINATION OF ANTONY BLINKEN TO BE DEPUTY SECRETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I see we have been joined by the senior Senator from the State of Hawaii. Aloha.

Ms. HIRONO. Aloha.

Mr. CARPER. I am happy to yield the floor to Senator HIRONO.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I had an indication that if I were here on the floor I would be recognized. I don't know if there is any agreement on that or just an informal understanding.

The PRESIDING OFFICER. There is no order to that effect.

Mr. SESSIONS. I believe I have the floor and I would like to share some remarks at this time.

I understand Senator HIRONO was expecting to speak after Senator CARPER and was informally promised time, and Senator CARPER went a little long. So I would be pleased to yield to her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. I thank the Senator for yielding.

#### MURTHY NOMINATION

I rise today to speak in strong support of the nomination of Dr. Vivek Murthy for Surgeon General of the United States.

In these brief remarks I will explain why I think he is a highly qualified nominee, why his age should not be a limiting factor at all, and finally why we need a Surgeon General now.

Dr. Murthy has been waiting for a vote on this nomination for months. I am glad that today the time has come to give him that vote.

I met with Dr. Murthy a little while ago and found him to be one of the most interesting and likeable people I have met—and that is saying a lot.

He has accomplished much already and has a deep commitment to giving back through his work. I found him to be a breath of fresh air.

I was particularly impressed by his work at a company he founded where he identified inefficiencies in clinical drug trials and came up with a solution. His innovative ideas will help medical treatments move to market faster. In other words, he wanted to get drugs faster to the people who needed them.

We often speak with admiration of Americans who are technologically proficient, and it is rare to find someone who is not only tech savvy, but is able to take that skill and combine it with the kind of medical training, creative mind, and ability to identify and solve real-world problems. In Dr. Murthy, we have that someone.

While there are some who feel Dr. Murthy is too young and inexperienced to be Surgeon General, anyone who has met and talked with him as I have would, I believe, come away impressed.

Dr. Murthy is not yet 40, but certainly his age has not prevented him from accomplishing many things. He is someone who has done much to solve public health challenges in his years as a physician, and well before that.

He has leadership experience through his work starting and running a public health advocacy organization and this includes founding a technology company.

He has a strong medical background and experience that demonstrates his ability to take complex health information and translate it for others—exactly what we need in a Surgeon General.

If anything, we should be doing all we can to get young, bright, committed people such as Dr. Murthy into public service.

Recently, this Nation found itself worried about Ebola. Misinformation and fear were palpable in our communities. We did not have a permanent Surgeon General to coordinate the information tsunami that descended on the American people from government and scientists. And without a Surgeon General, it has been a struggle to ensure that accurate, timely information about Ebola was disseminated to the public.

Today it is Ebola. We don't know what public health crisis will come next. We need a Surgeon General who will roll up his sleeves, survey the evidence, and take action.

Dr. Vivek Murthy has demonstrated he will be that kind of Surgeon General because he does not shy away from asking tough questions, listening, and then developing solutions that are driven by evidence.

His listening skills and his ability to engage and communicate with a broad spectrum of people, combined with his

medical and business background—he also has a master's degree in business—will make him an extremely effective Surgeon General.

Think about this: We have a nominee who is not only a well-trained physician but also has business management skills and the ability to engage stakeholders—be they medical professionals, faith-based organizations, or the public at large.

He can start conversations and effect real change to improve the health of our communities, particularly in his priority areas of obesity and mental health.

Again, I found in Dr. Murthy a combination of an ability to be very creative, with the very important ability to listen; because although he has both a medical and business background, he doesn't think he knows more than everybody else. So this listening ability is very important, with the ability to solve real-world problems.

I urge my colleagues to vote in favor of Dr. Murthy for U.S. Surgeon General.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### SALDANA NOMINATION

Mr. SESSIONS. Mr. President, I rise today to speak in opposition to the nomination of Sarah Saldana. She has been nominated to head the Nation's top immigration law enforcement agency which has been at the epicenter of this administration's refusal to enforce our Nation's immigration laws. I am sure she is a person of integrity and character and has some experience at least as a U.S. attorney in Texas, but I will share with everyone some of the reasons I think this is not the right nomination at this critical time.

When asked in the Judiciary Committee whether she rejects the President's unlawful action to unilaterally grant legal residence and work permits to 5 million individuals illegally in the country, Ms. Saldana said she supported the President's action. Her answer reflects a remarkable disregard for the rule of law that demonstrates the difficulty she will have being the leader of this important agency. U.S. Immigration and Customs Enforcement officials, ICE, are immigration enforcement officials. They are hired to work as enforcement officials. As U.S. attorney I worked with Immigration and Customs officers and prosecuted their cases in Mobile, AL, and the gulf coast with shipping issues and immigration issues. That is what they do. But the President has decided to tell them not to follow their duties. Now he has gone so far as to unilaterally direct that those officers not enforce the law. He has established a new office in Crystal City, across the river in Virginia. That office will begin to process millions of claims for executive amnesty. They are hiring 1,000 new employees to do that work. What we are involved in is a situation in which a law enforcement agency is being instructed not to en-

force the law—not only that, but the administration has gone beyond that and is actually providing legal status, work permits, and Social Security numbers and photo IDs, Medicare, and Social Security benefits to all of these people who entered the country illegally—which Congress refused to do.

The President asked for it. Congress said no. The President said: You didn't act, I am going to do it on my own, after saying more than 20 different times he didn't have the legal authority to do so. So I am not going to vote for and I don't think our colleagues should vote for a person to head this agency who believes this action by the President is lawful, because it is not lawful.

One would say: Somebody said it is lawful, JEFF, and that is your opinion. I served 15 years in the Department of Justice. I have been on the Judiciary Committee for 18 years. In my opinion it is not lawful, it is not constitutional, it is not a legitimate use of prosecutorial discretion. It goes beyond anything I have ever seen—perhaps this Nation has ever seen—in terms of violating the laws passed by Congress. That is the problem we have, and I think we should take a moment to listen to some excellent legal scholars on the question in play.

I would just add parenthetically that the Immigration and Customs Enforcement officers have the lowest morale of any of the subcomponent agencies in the government. It got so bad and they were so frustrated at not being able to do their jobs, the ICE association—representing some 7,000 agents and officers—sued their own director, John Morton, who held this position previously. This is the job Ms. Saldana has been nominated for. They said: Our supervisor is violating the law. He is directing us not to do our duties that the law says plainly we must do and shall do, and they filed a lawsuit in Federal court. I have never heard of any group of law officers filing a lawsuit saying they are being denied the right to fulfill their oath to see that the laws are being enforced, and that is what happened.

The judge was very sympathetic. He said this President is not above the law, but he found technically that the court did not have jurisdiction to hear the suit, and that is now on appeal. It has been on appeal for some time. It goes to show how demoralized this agency is, and the fundamental reason is that every officer out there knows what is happening. They are being directed not to do their duty, and it is up to Congress to pass laws and Congress has passed laws and the President cannot do away with that.

Let's examine some of the comments we have seen from professors. Professor Jan Ting of Temple University, a law professor, he was also one of the top officials—Assistant Commissioner of the Immigration and Naturalization Service. He has experience in that. He testified before the Judiciary Committee just last week. He said:

. . . the most comprehensive analysis of the administration's deferred action policies that has been produced to date is a 77-page law journal article published last year by Berkeley law professor John Yoo and St. Thomas law professor Robert Delahunty. In that article the professors catalogued and reviewed "the most commonly offered and generally accepted excuses or justifications for the breach of [the president's] duty to execute the laws" and concluded that the DACA program "does not fall within any of them."

So basically he agrees with the professor who has written this comprehensive article saying this isn't a prosecutorial discretion question. Professor Ting continues:

The conclusions of Professors Yoo and Delahunty have been repeatedly endorsed during the past three years by a well-regarded former professor of constitutional law at the University of Chicago Law School, Barack H. Obama II. President Obama—then-Professor Obama—himself.

Indeed, President Obama said over 20 times that he does not have the authority to do what he has done. For example, on March 28, 2011, he said:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed . . . we've got three branches of government. Congress passes the law. The executive branch's job is to enforce and implement those laws. . . .

There are enough laws on the books by Congress that are very clear in terms of how we have to enforce immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President.

That is the President himself, in detail. He considered it at this time, from the detail in that answer. These are people saying, just give the people amnesty yourself, Mr. President, and he said no.

Later, on September 17, 2013, he said with regard to his unlawful deferred action for childhood arrivals program—the same principle, same program:

If we start broadening that . . . I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option . . . What I've said is there is a path to get this done, and that's through Congress.

On March 6 of this year, he stated that the DACA Program "already stretched my administrative capacity very far . . . But at a certain point the reason that these deportations are taking place is, Congress said 'you have to enforce these laws.' They fund the hiring of officials at the department that's charged with enforcing. And I cannot ignore those laws any more than I could ignore, you know, any of the other laws that are on the books."

In August of this year, just a few months before announcing his Executive amnesty—just a few months ago, he said:

I think that I never have a green light [to push the limits of executive power]. I'm bound by the Constitution; I'm bound by separation of powers. There are some things we can't do. Congress has the power of the

purse, for example. . . . Congress has to pass a budget and authorize spending. So I don't have a green light.

That is true. Congress does have the power of the purse and Congress has not authorized the President to set up an office in Crystal City and hire 1,000 people to provide legal status and work authorization, Social Security numbers, and other such documents allowing them to take any jobs in America, and has not authorized that and hasn't provided money for that.

Congress should explicitly and directly—and I am disappointed that it hasn't this year—blocked that, which it can easily do.

Article I, section 8 of the Constitution is clear that Congress is vested with the plenary power over naturalization law. In 1954 the Supreme Court stated "that the formulation of these policies is entrusted exclusively to Congress has become about as firmly embedded in the legislative and judicial tissue of our body politic as any aspect of our government."

In exercising its plenary authority, Congress has declined to pass an immigration bill bestowing legal status and work authorization upon illegal immigrants. Congress has recognized the need to control the number of individuals who can come to this country to live and to work. It has passed laws to establish rules to protect the interests of American citizens. It is a fair system in which people apply to come to the United States, they are properly evaluated, and a certain number each year are admitted. We admit 1 million a year lawfully on a permanent resident status. Those are the most generous numbers in the entire world. In addition to that, we have 700,000 guest workers here and in addition to that it appears we have another 11 million illegal immigrants who have gotten into the country.

Now what about what is happening today, that Ms. Saldana said she supports, but I believe it is absolutely wrong. President Obama's recent unlawful Executive amnesty and work authorization actions have essentially started another system of immigration apart from the one that is in law. He has created another system of law to process people who want to come to America. In so doing he has violated the constitutional structure that gives Congress the power to set the laws for immigration.

In a recent paper, Professor Jan Ting, whom I noted before, said this:

In effect, the president's deferred-action program constitutes an alternate immigration system authorized by a cabinet secretary's memoranda. While the statutory system limits the number of employment-based visas to several hundred thousand per year, the presidential immigration system in a single year allots comparable privileges to several million illegal aliens. In light of the Supreme Court rulings on the "plenary," "complete," and "exclusive" authority of Congress to fashion immigration policy, an alternative presidential immigration system that nullifies the limits of the statutory im-

migration system is plainly unconstitutional.

That is what Professor Ting, who spent years working in the immigration system, described. Professor Ting further argues that the administration's assertions of authority to justify its "alternative presidential immigration system"—that is a pretty good way to describe it—through prosecutorial discretion to "defer action," "parole" authority, and the issuance of work authorization—directly violate constitutionally enacted immigration laws in the following ways:

Ordering ICE agents not to inspect and place into removal proceedings illegal aliens they encounter violates 8 U.S.C. Section 1225, which expressly curtails the President's discretion concerning inspection and detention of aliens not lawfully admitted to the United States.

It goes on to say:

Granting "advance parole" to "deferred action" recipients so they may travel back and forth between the United States and their native countries violates 8 U.S.C. section 1182(d)(5), amended in 1996 specifically to prevent the use of "parole" to "admit aliens who do not qualify for admission under established legal immigration categories."

Another quote:

Granting [work permits] to millions of illegal aliens ignores a century of case law, including Supreme Court decisions, holding that the Executive Branch may not circumvent the statutory employment-based visa system by opening the labor market to aliens not eligible for such visas, thereby defeating "Congress' purpose of protecting American laborers from an influx of skilled and unskilled labor."

Those are some of the things Professor Ting laid out that are directly violating law that the President has carried out in this scheme. He concludes: "In other words, the president's deferred-action program sits on a plainly unconstitutional stool, which itself rests upon three plainly illegal legs."

I think that is a fair analysis.

Chapman University Law Professor John Eastman also testified before the Judiciary Committee that "the President has not just declined to prosecute (or deport) those who have violated our Nation's immigration laws. He has given to millions of illegal aliens a 'lawful' permission to remain in the United States as well, and with that the ability to seek work authorization, driver's licenses, and countless other benefits that are specifically barred to illegal immigrants by U.S. law. In other words, he has taken it upon himself to drastically rewrite our immigration policy, the terms of which by constitutional design are expressly set by Congress."

I think that is indisputable. Somebody could say that is just your opinion. Well, I am here to decide the question. All of us are here to decide the question. Did the President act responsibly, lawfully or unlawfully in this action? It is not a close question, colleagues. You can find excuses, you can find some professor who says this or

that, but it is not accurate. At some point in our Nation's life we need to be able to ascertain and speak with clarity: Congress has the power to write immigration laws. Congress rejected the President's request to provide this power, and Congress should not allow this to continue because it is unlawful and in fact violates the Constitution.

Additionally, George Washington University Law School Professor Jonathan Turley, a nationally recognized constitutional scholar, who describes himself as a supporter of President Obama and his policies, testified before the House Judiciary Committee recently regarding the President's unilateral actions on immigration. He testified many times before Congress and frequently most usually, I believe, as a Democratic witness. He said this:

It's not prosecutorial discretion to go into a law and say an entire category of people will no longer be subject to the law. That's a legislative decision. Prosecutorial discretion is a case-by-case decision that is made by the Department of Justice. When the Department of Justice starts to say, we're going to extend that to whole sections of laws, then they are engaging in a legislative act, not an act of prosecutorial discretion. Wherever the line is drawn, it's got to be drawn somewhere from here. It can't include categorical rejections of the application of the law to millions of people.

I think he is exactly right. He goes on to say:

Many of these questions are not close, in my view. The President is outside the line. . . . And that's where we have the most serious constitutional crisis, I view, in my lifetime, and that is, [Congress] is becoming less and less relevant.

Professor Turley further testified:

I believe the president has exceeded his brief. The president is required to faithfully execute the laws. He's not required to enforce all laws equally or commit the same resources to them. But I believe the president has crossed a constitutional line in some of these areas. . . . The problem of what the President is doing is that he is not simply posing a danger to the constitutional system; he is becoming the very danger that the Constitution was designed to avoid: that is, the concentration of power in any single branch.

That is exactly what Madison and the Founders of our country wanted to create, was a system where there is separation of power, and the power to make law is in Congress's hands.

According to ICE officers and agents, they are already being ordered to implement the President's unlawful directives. One ICE supervisor told my office:

If you sneak in through the border, get past Border Patrol, stay under the radar for a few years, have kids, you will be rewarded with protection from deportation. This is not merely [prosecutorial discretion], this is a flagrant disregard for the rule of law and our sovereignty as a nation. Even if you come to the [port of entry] and claim credible fear, you will eventually be released from custody because you are not a priority.

According to the Partnership for Public Service's "Best Places to Work in the Federal Government" rankings released on December 9 of this year—

just a few days ago—the Department of Homeland Security is the lowest of all the Federal agencies. That is a tragedy—that great agency. Of all Federal agencies—

The PRESIDING OFFICER (Ms. HIRONO). Senator, your time has expired.

Mr. SESSIONS. I didn't know we had a time limit.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form. After that, a vote on the motion to invoke cloture on the Murthy nomination.

Mr. SESSIONS. I thank the Presiding Officer, and I ask unanimous consent for 30 seconds and I will wrap up.

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

Mr. SESSIONS. Of all federal agency subcomponents, ICE is ranked dead last by its employees.

In June 2010, the National ICE Council, the union that represents more than 7,000 agents within ICE, cast a unanimous vote of "No Confidence" in former ICE Director John Morton. That vote stemmed from the fact that the agents were prevented by senior leadership from carrying out their lawful duty to enforce immigration laws. Several ICE agents later sued Secretary Napolitano, Director Morton, and former U.S. Citizenship and Immigration Services Director Mayorkas, arguing that the administration's amnesty policies caused the ICE agents to violate their oath of office and Federal law by commanding them to refrain from detaining certain illegal aliens. The court held that "DHS does not have discretion to refuse to initiate removal proceedings [where the law requires it to do so]." The court also reaffirmed that Congress, and not the President, has the plenary power to set immigration law and that the administration's prosecutorial discretion and DACA policies violate Federal law.

Congress cannot further capitulate to this President's overreach. I would ask my colleagues to heed Professor Jonathan Turley's warning:

I believe that [Congress] is facing a critical crossroads in terms of its continued relevance in this process. What this body cannot become is a debating society where it can issue rules and laws that are either complied with or not complied with by the president. I think that's where we are. . . . [A] president cannot ignore an express statement on policy grounds. . . . [I]n terms of the institutional issue . . . look around you. Is this truly the body that existed when it was formed? Does it have the same gravitational pull and authority that was given to it by its framers? You're the keepers of this authority. You took an oath to uphold it. And the framers assumed that you would have the institutional wherewithal and, frankly, ambition to defend the turf that is the legislative branch.

The first priority of Congress must be to restore the rule of law, secure the border, and bring the administration into compliance with the laws of the United States. Congress cannot and must not confirm anyone to lead an

agency in DHS or other law enforcement agency who supports Executive amnesty. Congress cannot vote to accelerate its own demise. It would be unthinkable to yield to the confirmation of such nominees in the face of so grave a threat to our constitutional order.

This individual is going to take this law enforcement office, U.S. Immigration and Customs Enforcement, and she is going to execute at her direction to all those officers a policy that violates law and violates the Constitution of the United States as a bipartisan group of professors have so declared, and therefore I think none of us should support such an action, and therefore I would urge my colleagues to vote no on this nomination.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, I don't understand this. I am glad the Senator from Alabama is still on the floor, but I just don't understand this.

How many speeches have we heard on the floor of the Senate that the No. 1 priority on the Republican side is border enforcement? How many times have we heard over and over again that before we can have any conversation about those in the United States, we have to seal our borders from the illegal immigrants coming into our country? I have heard it from the beginning. In fact, I heard it every time a Republican Member initiated a conversation about immigration. Isn't this interesting.

Two days ago we passed the budget bill for the remainder of this fiscal year that was initiated by the House of Representatives and sent over here. It was not called an omnibus spending bill, which would have meant all of the agencies of the government are in the budget. It had this peculiar name—CRomibus. I don't know who came up with it, but what they were trying to say was that there was one agency of government that was not included in the overall budget. What was that agency? Well, it turned out it was the Department of Homeland Security.

The Republican leadership in the House of Representatives refused to send any spending bill here that would give ordinary appropriations to the Department of Homeland Security. Well, what does the Department of Homeland Security do? They guard our borders and stop illegal immigration. They have a massive responsibility at the borders, which the Republicans have said repeatedly is their highest priority.

So the first thing they do is send us a spending bill that has what is known as a continuing resolution to tie the hands of the Department of Homeland Security when it comes to spending money to enforce our borders and stop illegal immigration. But that was not enough. Now we hear the opposition of

the Republican side to filling the position that is responsible for enforcement of our borders, the position responsible for stopping illegal immigration. It is called ICE—Immigration and Customs Enforcement—which is part of the Department of Homeland Security. It was created in 2003. It is the largest investigative agency in the Department of Homeland Security. It is the second largest criminal investigative agency in the entire Federal Government. It has an annual budget of approximately \$6 billion. It has more than 20,000 employees and more than 400 offices in the United States and 48 foreign countries. What is the responsibility of Immigration and Customs Enforcement? To enforce the border and to stop illegal immigration.

So the first—

Mr. SESSIONS. Will the Senator yield for a question?

Mr. DURBIN. I will not yield until I finish making my statement, and then I will be happy to yield.

First the Republicans send us an appropriations bill, and they will not pay for the agency to enforce the border and stop illegal immigration, and now they come to the floor and argue against filling the position that is responsible for enforcement at the border and stopping illegal immigration.

How long has it been since the Senate has confirmed a person to head this critical agency? July 2012 was the last time—more than 2 years—because of repeated objections by the Republicans to filling the vacancy of the person responsible for stopping illegal immigration.

The President has sent us a nominee. I will read what has been said about that nominee. Her name is Sarah Saldana. I quote:

Ms. Saldana [is] the first Latina United States Attorney in Texas history, and only the second woman to hold that position in the 135-year history of Texas' Northern District . . . 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 crimes, sex traffickers, and other dangerous criminals. Throughout her career, Ms. Saldana has developed a reputation for her decisive and fair temperament and her commitment to excellence.

Can you imagine a more ringing endorsement for someone to head up ICE, Immigration and Customs Enforcement? You would expect that came from the White House, wouldn't you? You would think such a glowing tribute to this nominee must have been personally written by President Obama. No. The quote I read to you comes from the senior Senator from Texas, Mr. JOHN CORNYN. Senator CORNYN, of course, sits on the Republican side of the aisle. Senator CORNYN didn't vote for Ms. Saldana in committee. I take that back. Every Republican Senator in the Judiciary Committee, including Senator CORNYN, voted against her nomination, so that part is accurate, but all the Republicans voted against her. Get the picture?

All the speeches about border enforcement, all the speeches about stopping illegal immigrants being the No. 1 priority of the Republican Party on immigration—first, they don't fund the agency; second, they won't fill the position responsible for administering the law.

Then comes an imminently qualified woman to run the agency—to paraphrase the words of Senator CORNYN of Texas—and they object to her. They refuse to stand by her nomination.

If you think this is hard to understand or follow, imagine what we have seen over the last 2 years. It has been about 540 days since the Senate passed a comprehensive immigration reform bill with 68 votes. Fourteen Republicans and the Democrats passed a comprehensive immigration reform bill that had the strongest border protection in the history of the United States. It would have virtually created a seamless fence—literally and figuratively—on the border between the United States and Mexico from San Diego to Galveston. It would have put more technology and more people on the border. Under this bill, the people on the border who are working for us to stop illegal immigration would have been able to literally stand and see another person standing half a mile away along the 2,000-mile border, 24/7. That is how many people were in this bill. We passed it with 68 votes. It was lauded by conservatives and liberals, the chamber of commerce, the AFL-CIO, faith groups, justice groups. They all said this is a good bill.

It passed the Senate and went to the House of Representatives, where it was never ever called in over 500 days. Speaker BOEHNER refused to call the bill on the floor. Why? Because it would have passed, and that is why he would not call it. It was because of the failure of the Republican leadership in the House to even call this bill that the President issued his Executive order.

We had a hearing—the Presiding Officer chaired it—last week in a subcommittee of the Senate Judiciary Committee, and we discussed the President's Executive order on immigration. There were two witnesses who opposed the President's order, two professors. It was Professor Eastman and Professor Ting, if I remember correctly. I will correct the RECORD if I am mistaken. They opposed the President's Executive order.

I asked a simple question: This is a world of choices, and we have three choices, and I would like to ask each of you which one you would choose.

The first choice is to continue this broken immigration system in America and do nothing, which is the position taken by the House Republicans. They have done nothing for a year and a half. So that is the first choice. We could leave it as is—a broken system that we know has 11 million undocumented people in the United States with no registration, no guarantee

they are paying taxes, and no criminal background checks. That is choice No. 1.

Choice No. 2 is deport 11 million people in the United States of America who are here undocumented. Deport them. That was Mitt Romney's choice when he was running for President.

Choice No. 3 is what the President has proposed—that anyone who has been here for at least 5 years must come forward, register with the government, submit themselves to a criminal background check, pay their fair share of taxes for a temporary work permit, which must be regularly renewed so we can check again. If they have done anything wrong or if there is a criminal record, they are gone. If there is no criminal record, they can stay and work on a temporary basis.

I said to them: Those are the three choices—the broken system, mass deportation, or the President's approach. Take your pick.

They didn't want to make the choice. Of course not. Those are terrible choices if you oppose the President's position.

I think the President has done what is reasonable, and it is what 11 other Presidents have done—Executive orders on immigration.

I want strict border enforcement. I voted for it here on the floor of the Senate, the strongest in our history. But I can't understand the Republican position which opposes funding border enforcement on a regular basis, opposes filling the position that administers border enforcement, and which has no alternative to offer. That is what we have before us.

#### MURTHY NOMINATION

I will yield the floor and add in closing that coming up for a vote at 5:30 p.m., if I am not mistaken, will be the nomination of Dr. Vivek Murthy to be Surgeon General of the United States of America. I gave a speech about him earlier today. He is eminently qualified. Here is a man who has an extraordinary academic background, including graduating magna cum laude from Harvard. He has worked on a combined degree of a medical degree and a business degree. He has taught at Harvard. He is published in the journals and has the support of over 100 professional medical organizations that believe he would be an extraordinary Surgeon General.

I ask, at a time when we are facing the greatest public health crisis in current memory with the Ebola epidemic, how in the world can we leave this post vacant?

I urge my colleagues to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### SALDANA NOMINATION

Mr. VITTER. Madam President, I rise to strongly oppose the nomination of Sarah Saldana to head ICE for a very simple reason: If confirmed as the head of ICE, Ms. Saldana would be a key player in the administration to help

President Obama further a very bad policy that is very unconstitutional and completely beyond the President's proper constitutional authority.

In my opinion, it all comes down to this very important issue of his Executive amnesty—his recent decision, without authority, to move forward on his own, without legislative approval and without congressional action, to grant about 5 million illegal aliens in this country an Executive amnesty.

I think that is a horrible and dangerous decision for two reasons.

First of all, I think the policy is wrong and is guaranteed—alas, even designed—to produce more illegal border crossings, which will increase the problem, not solve it. Some things are pretty simple, and one simple rule with regard to law enforcement is that when you reward certain behavior, you are going to get more of it, not less of it. Through his Executive amnesty, President Obama is clearly rewarding that behavior and rewarding illegal crossings. In every instance in our past when that has happened—including a 1986 amnesty that was at least passed through Congress—it produced more of that behavior, more of the illegal crossings, and more of a problem, not less of it. I think it is horrible policy from that point of view.

The second reason I am very concerned about this recent Executive action is even more fundamental, and that is because I think this is clearly beyond the President's proper legal constitutional authority. I think his actions are clearly unconstitutional, beyond that authority, and therefore a very serious matter for the country and the Congress to focus on.

I am the first to admit that every President has significant Executive power, and every President has the power to provide details when statutes are silent about them, to figure out necessary details in implementing and in executing statutes. His job as the Executive is to execute. But that is fundamentally different from taking action that is completely contrary to statute. Of course, that is what the President is doing in this case—granting amnesty to about 5 million illegal aliens when the statute, properly passed through Congress, says these folks came into our country illegally, they are here illegally, and allowing them to stay here and work is contrary to law.

Again, it would be one thing if the President had to figure out details consistent with that statute, but instead he is taking action directly contrary to those statutes and that directive. It is not simply prosecutorial discretion. It is not simply saying, well, because of a particular circumstance, we are not going to prosecute that case or this case or that case over there. He is making a broad policy which will affect about 5 million cases, and he has gone way beyond saying: We won't prosecute these cases. He is having his bureaucracy—his administration—actually

issue work permits by giving folks who cannot work legally in this country work permits. He is telling employers to hire them because they have this new work permit. He is giving them Social Security numbers and other affirmative identification. Again, that is not figuring out the details on how to execute law; that is not figuring out unspoken details about how to further law; that is acting directly contrary to our law and to our statutes on this very topic. Clearly, anyone in the position of heading ICE, including this nominee, Ms. Sarah Saldana, if she is confirmed, would be clearly and directly furthering that bad policy and illegal and unconstitutional action.

To the point of this being unconstitutional, don't take my word for it. There are a lot of authorities on the subject, a lot of legal authorities, such as professors and academic experts.

The Supreme Court directly recognized that on the policy of immigration in particular, Congress absolutely has clear authority to act in that area under the Constitution. In fact, in previous opinions, the Supreme Court has written that “over no conceivable subject is the power of Congress more complete” than on immigration.

Another interesting expert and source on this topic is President Obama himself. Prior to taking this enormous action—in the years prior—President Obama said very directly to his supporters urging him in this direction: I don't have the authority to do it. He repeatedly acknowledged that.

He said:

This notion that somehow I can just change the laws unilaterally is just not true.

He also stated:

For me to simply, through executive order, ignore those congressional mandates would not conform with my appropriate role as President.

Well, President Obama was right back then. The problem is his recent actions—his Executive amnesty—constitute a complete turnaround on that by doing exactly what he himself previously said he doesn't have the authority to do.

Again, why is this pertinent? Because Sarah Saldana, if confirmed to head ICE, will be a key participant in the administration thereby furthering this policy that is a bad policy. It is a counterproductive policy that will make it worse, not better. Even more seriously, it will further this action, which is illegal, unconstitutional, and well beyond the President's constitutional authority.

This is serious stuff. This is serious constitutional business, and I urge my colleagues to look hard at these matters. After they do look seriously at these matters, I urge my colleagues, Democrats and Republicans, to vote no on this confirmation.

Again, the whole issue is serious. Illegal immigration is a vexing problem. Yes, we need to act. It is a complete straw man for the distinguished leader on the Democratic side to say that Re-

publicans in the House—or anybody else—just don't want to act. Of course we need to act. Of course we have proposed actions.

The question is, what actions, in what order, in what time?

This action is wrong on so many grounds. It is wrong on policy because it is going to make the problem worse. It is rewarding illegal crossings, so we will get more of them. It is wrong, even more seriously, on constitutional grounds. It has gone well beyond President Obama's legal and constitutional authority. Based on those serious areas of concerns, I urge my colleagues to vote no on this confirmation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MARKEY. Madam 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. MARKEY. Madam President, I rise to speak briefly to say that Dr. Murthy is about as well qualified to be Surgeon General as anyone has ever been. He brings a unique set of skills, background, and perspective that is going to serve our Nation very well. It is my hope the Senate will take this great opportunity to ensure he is given the position to serve our country with his incredible background in the way that I know all Americans are ultimately going to come to be very proud.

I want everyone to know that in Massachusetts we are very proud of him. We in Massachusetts know that he has developed a skill set which is much needed for the 21st century, much needed in an era where diseases cross international boundaries, where there is a recombinant of DNA of disease that increasingly, because of the global nature of the world we live in, is coming back here to the United States. This is our opportunity to put a real leader in this position—a leader who then can give leadership not only to our own country but to the rest of the world as well.

So I urge an affirmative vote for Dr. Murthy to become our new Surgeon General.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

#### SMALL BUSINESS LEGISLATION

Ms. CANTWELL. Mr. President, I know that so many of my colleagues are looking forward to wrapping up this year's business and hopefully getting home soon for the holidays.

I wish to take a few minutes to speak about a couple of issues. First I wish to give some remarks about my colleague, the Senator from Louisiana, on her retirement, and to mention a few things that have been going on in the small business committee which will be wrapping up business. The small business committee and Senator LANDRIEU are kind of synonymous in my mind because my colleague Senator LANDRIEU has been, for the better part of the last couple of years, the Chair of that committee and has done some incredible work. As legislation is moving through the final days in the U.S. Senate, we have been very successful in getting some important legislation passed for small business.

One piece of legislation we were able to make a part of the Defense authorization bill is sole-source contracting for women entrepreneurs so they can more easily get contracting with the Federal Government. That is going to help us have their great products and services more easily contracted and get access to those contracts.

There is also money for microlending programs. My colleague from Michigan, Senator LEVIN, has pioneered an idea that is so important to women entrepreneurs and that involves the kind of lending they would like to see from the Small Business Administration, which is microlending, and for women to be able to get access to microloans. They also want an intermediate loan level of \$200,000 or less. That helps them target some of the business interests they have, because we definitely need more women entrepreneurs in our country.

The third item is the STEP program, which is a small business export assistance program that works with States. The Federal Government and the Small Business Administration work with States to help them target businesses within their States that can use export assistance to become exporters. This is such an important issue for our country, because we, with a growing middle class around the globe, have a great opportunity to sell new products and services around the globe. But many of our small businesses are challenged by the risk of making those kinds of attempts to sell in those markets. So this export assistance program, which had been a pilot, is now going to be a funded permanent program. So we are excited about that and excited it is moving through.

#### TRIBUTE TO MARY LANDRIEU

I also didn't get a chance last week to speak about my colleague Senator LANDRIEU on the floor, so I wanted to take a few minutes now to remind my colleagues that as someone who has served with her on the energy committee and served with her on the small business committee, I have been so impressed with the accomplishments she has achieved in her career here in the U.S. Senate. For much of the time she was talking the other day—rightfully so—she shared a lot of moments

of her career and a lot of personal moments. I wanted to remind my colleagues of some of the very big challenges she faced as a Senator and how impressed I am with what she was able to actually overcome.

Many people know that obviously being hit by Katrina was one of the biggest economic challenges not just in Louisiana but to our country, and her impassioned leadership and calls to hasten the efforts to make sure we were doing everything we could for those individuals to receive medical aid and shelter and help find loved ones was nonstop for many days. She successfully, as she mentioned on the floor, urged OMB to fully fund the repairs of the levee system in southeast Louisiana and continues that work. She succeeded in passing legislation that directed the Army Corps of Engineers to analyze, design, and strengthen the storm mitigation systems against category 5 hurricanes.

Now if any of my colleagues in the U.S. Senate have ever worked with the Army Corps of Engineers, say no more. You know how challenging it is. We don't control them. They base all of their work on science. They have a budget. It is never enough money. It can seem as though we are fighting them for ever and ever to get something we think is essential to protect the people in our State to move forward. So she did all of that and moved the focus to make sure we establish a defense against category 5 hurricanes.

Also, if any of my colleagues ever had a flood or a storm in their State post-Katrina, they know the first person they were going to hear from was MARY LANDRIEU. She didn't stop her efforts in Louisiana. She wanted to take everything she learned from that emergency and call you up and tell you these are the things you need to do immediately and this is how you should get prepared. I know she did that for many of my colleagues and we so appreciated it.

Then another catastrophe happened—the Deepwater Horizon oilspill. As a member of the Commerce Committee, I can tell my colleagues I spoke to her many times about issues as they related to the Clean Water Act and what was eventually passed, the RESTORE Act, which was a bipartisan effort. Basically, the bill made sure that 80 percent of the Clean Water Act fines from BPA went directly into the Gulf States, making this the biggest individual investment in environmental conservation and restoration in our country's history. That was no easy task. There were a lot of people at the time who wanted to focus on many different aspects of that disaster, and so many events have taken place since then. But I can remember clearly the catastrophe and what it meant for the fishing community, the individuals, the States' economies—all of the questions. A lot of people were looking backwards about what happened, but the Senator from Louisiana was look-

ing forward to make sure those funds were invested right there in the gulf. That was a big challenge that she was successful in meeting.

Obviously, she used her voice for many issues related to Louisiana, but I wish to emphasize to my colleagues how much she also used her voice for many other people who didn't seem to be here in the Halls of Washington and made sure that those issues were at the top of the agenda.

We had the 2009 economic crisis in our country and many people remember because it had such a huge economic impact to individual families. The Senator from Louisiana made sure she was standing up for small businesses during that time period. There were millions of Americans who lost their jobs during that time period, and as everybody was here talking about what to do to help these big banks—and we all know that they got a bailout—many small businesses across the country actually had performing lines of credit cut out right from under them. So they didn't have anybody knocking on the door to make sure they were being helped. But the Senator from Louisiana got very vocal here about the prioritization of making sure that we did something about conventional lending and tried to tackle this issue.

From 2007 to 2009, the number of SBA borrowers dropped by more than half and the amount of loans dropped by more than one-third. Many of these small businesses were paying the price. So Senator LANDRIEU got busy fighting for what was the Small Business Jobs Act. If my colleagues remember that debate, there were many times that some people on the other side of the aisle didn't want to support that legislation or even moments when Treasury didn't know if they wanted to support that legislation. She was successful in the end in getting that legislation passed 61 to 38. The Small Business Jobs Act leveraged more than \$42 billion in loans to more than 90,000 businesses throughout the SBA. The bill, along with other measures, helped target about \$12 billion in tax cuts for small business. So while the big banks had immediate relief, they had someone here in DC fighting for small businesses, and that was Senator LANDRIEU.

That legislation also saw a small business lending fund increase so that there was more capital on Main Street for small business. As a result of the legislation, 2011 and 2012 were the two biggest years on record for the 7(a) and the 504 program, which are kind of the premier programs for the Small Business Administration. That went a long way to helping small businesses begin to recover. Also, the small business credit initiative helped small businesses get access to capital.

So all of these things were what my colleague from Louisiana fought for to help small businesses. I think it is a perfect example, along with those

other things about how she used her voice to try to bring clarity to the challenges we were facing and stand up for those who weren't being heard.

She also, though, lent her voice to another group that is often—we don't necessarily always understand all of the issues surrounding it. I kind of think that she took over for Senator Byrd who was a great advocate on behalf of animals and spoke a lot about his dog, and many of the stories he shared warmed everybody's heart. Senator LANDRIEU last year was the Humane Society's Legislator of the Year for her consistent work to prevent the cruel practices of horse slaughter, to protect wild animals, and strengthen provisions against animal fighting. So she clearly deserved that title and we certainly appreciate her efforts there. She was also a voice for the District of Columbia. People get committee assignments, and, yes, she had that committee assignment, but the thing about Senator LANDRIEU is that once she took an assignment, she was tough on making sure those issues were addressed. She did that for the District of Columbia.

I want to add my sincere thanks to the Senator from Louisiana for all of her work and public service here in the Senate. She will be missed. I know she and I share a passion for the Land and Water Conservation Fund. It is an issue that is near and dear to my heart and something she has tried in her time in the Senate to get fully funded. We are going to continue that work on her behalf in the energy committee.

Again, I thank my colleague and dear friend for her incredible passion and for fighting for those whose voices were not always heard. There is no mistake her voice was heard here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

MURTHY NOMINATION

Mr. BLUMENTHAL. Mr. President, I am very pleased to be here today to speak on behalf of President Obama's eminently qualified nominee to be Surgeon General, Dr. Vivek Murthy.

I request that I be permitted to yield to my colleague from Connecticut, Senator MURPHY, at the end of my remarks.

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

Mr. BLUMENTHAL. The Surgeon General of the United States is a person of public trust in this country who has a long and eminent record of informing the Nation and fighting on behalf of the public health of Americans. He has addressed some of the Nation's most pressing public health problems. Over time, there have been a variety of people in that position of public trust to address some of the most pressing public health problems in this Nation. Those challenges have included nicotine addiction, the menaces of Big Tobacco, AIDS, and other emerging diseases, nutrition and food labeling. These challenges require someone of

courage and expertise, indeed eminence as a public health warrior.

In just a few months, the Nation has faced a public health crisis that caused many to question who would be that warrior, that fighter, that eminent and expert physician, and who would defend this Nation at a time of public health crisis.

Many decried President Obama's appointment of an Ebola czar to fill that position when no one could step forward as Surgeon General, and the reason is that there was no Surgeon General. We lacked someone who could fulfill that role because of a misplaced and misguided opposition. That position has been vacant for far too long. Hopefully today we will confirm Dr. Murthy and allow him to get on the job and get to work on this and other pressing problems facing our country.

Ebola cases continue to present a dire threat to our Nation because in parts of Africa they are still spreading. Just last week the Centers for Disease Control and Prevention announced that there are serious doubts about whether the Nation's supply of flu vaccine will be effective against the strain of flu that is circulating this winter. We need a Surgeon General to handle that potential public health crisis as well. We are not out of the woods, to quote what Dr. Frieden told me in a conversation just last week on Ebola. We are about to go into the woods in the flu season, and the Surgeon General, as a leader, is needed right now.

The Public Health Service Commissioned Corps, under the leadership of the Attorney General, was deployed to field hospitals and emergency clinics in the wake of Hurricane Katrina, the Deepwater Horizon oilspill, and the 2010 earthquake in Haiti. They are fighters and warriors for public health as well.

Dr. Murthy's credentials are without question. They are impeccable, unquestionable, and indisputable. He is a graduate of Harvard College and Yale School of Medicine. He completed his residency at the Brigham and Women's Hospital in Boston. He is one of our country's most respected medical professionals. He now works and teaches at the Brigham and Women's Hospital. He also earned an MBA, also from Yale. He has been a leader of business and nonprofit organizations that work on many aspects of medical practice, biotechnology and domestic and international public health issues.

If the question were only about his qualifications, he would be in that position right now, confirmed by the Senate, but unfortunately he has been blocked. The only point raised against him, unconscionably and unnecessarily, is a political smokescreen, essentially, going to comments he has made about gun violence as a public health issue.

The simple fact is gun violence impacts far too many people. It destroys far too many lives. It is the second leading cause of death in this country

after car crashes. Gun violence kills twice as many children as cancer, 5 times as many children as heart disease, and 15 times as many children as infection. Between 2000 and 2010, more than 335,000 people died as a result of gun violence.

Pointing out these facts and asking whether there are strategies we could apply to bring that number down is exactly what a person tasked to keep Americans healthy ought to be doing. But he has said he is going to focus on issues that concern the American public health and will be a fighter for American children, for Americans, against heart disease and cancer and other kinds of issues that affect public health, especially of children, and that is to be valued.

That smokescreen about gun violence should not have blocked him and should not impede this body voting for him today, approving him as Surgeon General because of his qualifications and because he will contribute enormously to make Americans healthier and safer in this country.

I am enthusiastically and proudly a supporter of him, and I ask my colleagues to approve him as Surgeon General of the United States to make America safer and healthier and to reject the slick smokescreen that has tried to stop him.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. I thank the Senator from Connecticut for his advocacy on this issue. I know we are approaching a vote, so I will be brief in my comments. Not to repeat those of Senator BLUMENTHAL, but he is exactly right—there are absolutely no questions about the qualifications of Dr. Vivek Murthy to do this job.

In addition to his professional background and his teaching responsibilities, he also has a very impressive history of commitment to international public health—building two international organizations, one that empowers hundreds of youth in the United States and India to educate over 45,000 students on HIV prevention and another one which works in rural health partnerships in India training young women to be health educators and counselors for thousands of patients.

That is a pretty impressive record, when you combine it with what Senator BLUMENTHAL already laid out, for a still fairly young physician, someone who will bring an enormous amount of energy to this job at a moment we need it. Ebola is at the top of the list as to the reasons why we need a Surgeon General now, but we are in a remarkable period of contraction when it comes to health care spending increases. Health care costs grew by 3.6 percent in 2013, which is the slowest rate on record since the government started keeping track in 1960.

Frankly, a sound, good, sensible public health policy has a lot to do with our

ability to continue curtailing the rate of health care spending increases. Why? Because obesity rates in this country—even if they were just trimmed by 5 percent, that could save \$160 billion over the next 10 years. Smoking, which will hopefully be a centerpiece of the Surgeon General's advocacy plan, contributes about \$133 billion in direct costs.

If we want to do something about the size of the health care budget in this country—which is something the Republicans and Democrats believe in—then we need a Surgeon General because that is the person who is leading our public health conversation all across the country, eminently qualified and desperately needed. I am glad we are having a vote here today.

Let me say just a few words about this controversy that has surrounded his choice. The criticism effectively amounts to comments that Dr. Murthy made saying two things, generally—one, that he thinks gun violence is a problem; two, that he generally agrees with where the President stands on this issue.

Let's take the second first. It is not surprising that the President is choosing people to be part of this administration who agree with him on a variety of issues. But, as many of my colleagues on both sides of the aisle have said, the Surgeon General doesn't set gun violence policy in this country, and so there shouldn't be a question as to whether he can separate his views on guns from his job, just as there is not a question as to whether Secretary Castro or Secretary Burwell can do the same. But it is also not surprising that he has those views because the President is entitled to pick people for important positions who generally think the same way he does on issues that are relevant to the job they are taking but also on issues that aren't in that particular appointees's responsibilities.

But let's take the first criticism—that he made these statements about guns being a public health problem, gun violence being an issue that we should confront. If a nominee for Federal office is unqualified simply because they have pointed out that gun violence is an issue we should work on, then this debate is so far removed from what is happening on the ground floor of this country as to possibly be irretrievable for the purposes of common-sense debate. That is what Dr. Murthy essentially said, that gun violence is a problem we should be working on. If we can't even get to point where we all agree on that general notion, separate and aside from whether you agree with what he thinks we should do about it or what somebody else thinks we should do about it, well, maybe this is more hopeless than I thought.

I am glad we are going to move forward on a vote on Dr. Murthy today. He is qualified to do this job, and he has an admirable background in public health policy, in the practice of medicine, and in the teaching of medicine.

We need a Surgeon General right now, whether it is to confront Ebola or to help us continue on a path toward controlling health care costs.

Separate and aside from this nomination, let's agree to agree that Dr. Murthy is right that gun violence is a problem that this country should be addressing. No matter what your view on how we get there, that is something we should all be able to unite around. 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SANDERS. Mr. President, I ask unanimous consent to yield back any remaining time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

#### CLOTURE MOTION

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

The assistant bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service and to be Surgeon General of the Public Health Service.

Harry Reid, Tom Harkin, Patrick J. Leahy, Patty Murray, Tom Udall, Brian Schatz, Charles E. Schumer, Barbara Boxer, Benjamin L. Cardin, Richard Blumenthal, Jeff Merkley, Al Franken, Robert P. Casey, Jr., Elizabeth Warren, Richard J. Durbin, Christopher Murphy, Bernard Sanders.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Vivek Hallegere Murthy, of Massachusetts, to be Medical Director in the Regular Corps of the Public Health Service and to be Surgeon General of the Public Health Service, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "nay."

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

The yeas and nays resulted—yeas 51, nays 43, as follows:

[Rollcall Vote No. 355 Ex.]

#### YEAS—51

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

#### NAYS—43

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

#### NOT VOTING—6

Boxer	Chambliss	Johannis
Brown	Cochran	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 43.

The motion is agreed to.

The majority leader.

Mr. REID. We have three more votes tonight. I ask unanimous consent that they be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### MURTHY NOMINATION

Mr. LEAHY. Mr. President, it has been 10 months since the Senate Committee on Health, Education, Labor, and Pensions favorably reported the nomination of Dr. Vivek Murthy to serve as Surgeon General of the United States. While this seat sat vacant, our Nation has suffered through concerns and divergent information about the possibility of an Ebola outbreak and is on the cusp of what is predicted to be a difficult flu season. It is past time to move forward and confirm this nomination.

The Surgeon General is the Nation's chief medical officer and plays the role of chief medical information "explainer" for all Americans. There is a vast amount of information available about how to best take care of your health and the health of your family. The Surgeon General has the authority to distill the best research to present a clear message on effective disease prevention and health promotion. As the health policy advisor to the President and the Secretary of Health and Human Services, the Surgeon General plays an important role in proactively

addressing the many public health issues that face Americans. With an aging population and chronic diseases such as diabetes on the rise, this is a key position in the effort to improve the overall health and wellbeing of the American people.

Unfortunately, this nomination has been stalled for months due to comments Dr. Murthy made in the context of the school shootings in Newtown, CT. Dr. Murthy referred to gun violence as an "important public health issue" but also acknowledges that the causes of gun violence are "complex and multi-faceted." He urges Congress "to develop a comprehensive national plan to stop gun violence."

While there is significant disagreement over firearm regulations in our country, we should all be able to agree that reducing gun violence, and the devastating effects it can have on our communities, is a priority. Many doctors' groups treat gun violence as a public health concern and believe it is a relevant and important issue to discuss with patients. Dr. Murthy testified in his confirmation hearing before the Health, Education, Labor, and Pensions Committee that he does "not intend to use the Surgeon General's Office as a bully pulpit for gun control. That is not going to be my priority."

Dr. Murthy further explained that his "concerns with regards to issues like gun violence have to do with my experience as a physician, seeing patients in emergency rooms who have come in with acute injuries; but also seeing many patients over the years who are dealing with spinal cord injuries, post-traumatic stress disorder, and other chronic complications from gun violence."

I am a gun owner myself, and I do have enormous respect and appreciation for the freedoms the Second Amendment protects. However, I do not believe that gun violence, and the injuries and fatalities that result from it, is a problem we can simply ignore. On average, more than 100,000 people are shot every year in the United States. From 2000 to 2010, more than 335,000 people were killed by guns in the United States. This is an issue about which we must be able to have an honest discussion.

Dr. Murthy's impressive background as both a hospitalist attending physician and instructor in medicine at Brigham and Women's Hospital at Harvard Medical School, and his background as the founder and president of Doctors for America make him well qualified to serve as our Nation's Surgeon General. I hope his nomination is confirmed today.

Mr. ENZI. Mr. President, I wish to express my opposition to the nomination of Vivek Murthy to be Surgeon General.

While Dr. Murthy may have future promise as both a physician and public health expert, I have serious concerns about his current qualifications, as well as his choices regarding public health advocacy.

One former Surgeon General, Dr. Richard Carmona, shared a letter with the Senate highlighting his opposition to the nomination. In his words, "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." He goes on to say, "His partisanship and lack of qualifications for the job of Surgeon General give this nomination the scent of political patronage." This insight, from someone who served in that position, is concerning.

Dr. Murthy's main public policy and public health activity to date has been to use the group he founded, Doctors for America, to promote President Obama's campaign to advocate for expansive gun control, going so far as to even recommend that doctors counsel their patients about gun ownership. He is entitled to his opinion, but the opinion of the Surgeon General becomes something much more significant.

At a time when our Nation is at risk from deadly chronic conditions, dangerous disease outbreaks like Ebola, and the ever-present threat of public health disasters and pandemics, this is not the moment to devalue the role of the Surgeon General. The person who serves as Surgeon General must be someone Americans can trust. But Dr. Murthy, so far, has not demonstrated that he is capable of fulfilling that role, and so I must oppose his nomination at this time.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the nomination 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?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nebraska (Mr. JOHANNES), and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "nay."

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

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 356 Ex.]

YEAS—51

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

NAYS—43

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

NOT VOTING—6

Boxer	Chambliss	Johanns
Brown	Cochran	Rubio

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

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

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board.

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

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of the Senate that debate on the nomination of Daniel J. Santos, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER),

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

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

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “nay.”

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

The yeas and nays resulted—yeas 54, nays 39, as follows:

[Rollcall Vote No. 357 Ex.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Boxer	Cochran	Sanders
Brown	Johanns	
Chambliss	Rubio	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 39. The motion is agreed to.

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance).

Harry Reid, Robert Menendez, Patrick J. Leahy, Martin Heinrich, Jack Reed, Dianne Feinstein, Tom Udall, Benjamin L. Cardin, Bill Nelson, Barbara Boxer, Thomas R. Carper, Edward J. Markey, Jeff Merkley, Sheldon Whitehouse, Jon Tester, Richard J. Durbin, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. The question is, Is it the sense of

the Senate that debate on the nomination of Frank A. Rose, of Massachusetts, to be an Assistant Secretary of State (Verification and Compliance), shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

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

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

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “nay.”

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

The yeas and nays resulted—yeas 54, nays 39, as follows:

[Rollcall Vote No. 358 Ex.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Boxer	Johanns	Sanders
Chambliss	Kirk	
Cochran	Rubio	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 39. The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, the two votes scheduled in the morning will be done by voice. The first vote is going to be at 2:30 p.m. tomorrow afternoon.

CLAY HUNT SUICIDE PREVENTION ACT

Mr. REID. Mr. President, shortly, the senior Senator from Connecticut, Senator BLUMENTHAL, will ask consent that the Senate take up and pass the Clay Hunt Suicide Prevention Act.

The reason Clay Hunt was used as a model for this situation we have is be-

cause of his outstanding record. And “60 Minutes” has done specials about him. He had two tours of duty. He was a marine who served in Iraq and Afghanistan and received the Purple Heart. He was a wonderful human being. He even helped out in Haiti after they had an earthquake. But he could not overcome what happened to him in his combat mission.

This issue is so important for our veterans. Since 7 a.m. this morning until 7 a.m. tomorrow morning, 22 veterans will have killed themselves. They commit suicide every day. They don’t take weekends off. It happens 7 days a week. We need to stop this devastation—and that is what it is.

Suicide is very personal to me. As some of you know, my good dad killed himself. The heartbreak that is caused—the total loss and inability to understand—from a needless and preventable death of a loved one is hard to comprehend.

The Clay Hunt Suicide Prevention Act is bipartisan legislation. The bill passed the House last Tuesday.

I thank Senators MCCAIN and WALSH for their work on this veterans suicide issue. They have both introduced their own legislation to address this important issue—a Vietnam veteran and an Iraq veteran.

I commend Senator BLUMENTHAL for all of his efforts to get this important bill passed. We should not delay a minute more in passing this legislation. The bill is supported by an overwhelming majority of the Senate. We could pass it just like that if we could have cooperation. It is my understanding that there is only one Senator standing in the way.

Let’s do what is right for our veterans one more time before we close the 113th Congress. Twenty-two veterans are dying by their own hand every day.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—H.R. 5059

Mr. BLUMENTHAL. Mr. President, I am honored and proud to follow the majority leader, and I thank him for his remarks. I will make my remarks in support of my request for unanimous consent.

If there is an objection, in deference to the Senator from Oklahoma, I will withhold the body of my remarks until after there is an objection.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5059, the Clay Hunt SAV Act, which was received from House and is at the desk; and further, that the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

I will proceed at the conclusion of any remarks by the Senator from Oklahoma and the Senator from Ohio.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I will say that I recognize the honor of the Senator from Connecticut for his distinguished service in the military.

I didn't serve in our military. I was actually in college during the Vietnam war. I drew No. 354 on the lottery the week before I was to be drafted. I had two brothers who served—not in Vietnam—in the military. My father and both uncles served during World War II. My grandfather was awarded the Croix de Guerre, the highest honor the French give, for his work during World War I.

I will also state that, as a physician, I know suicide all too well. I have failed patients in the past even though I did everything I knew to do. Yet they still took their lives.

I have also experienced it personally in my own family. I know this issue. I also know what we did 3½ months ago—we passed the Veterans Choice Act, which I ultimately voted against because it didn't do what we promised the veterans we would do.

To this day Secretary McDonald has fired one person out of hundreds who should have been fired because we didn't give him the right authority on that day to hold the VA accountable.

I have treated patients with the demons that these young men and women have when they come back from war—the night terrors and the conflict that happens when they turn a corner and get a flashback of where they were versus seeing their wife and daughter. On top of that, they have the guilt that has built up, and they wonder to themselves, what is wrong with me?

Thirty-four percent of the people who are applying for mental health benefits today from the VA are getting seen within the appropriate time. Almost everything in the bill has already been authorized and approved with the \$10 billion that we sent to the VA.

When every veteran—regardless of how long his hair is or how unshaven or how scraggly or how nice he looks—is greeted with a smile and a “yes, sir” or “yes, ma'am,” when they are treated with the respect they deserve at every veterans facility because they served and some of us didn't, that is when we know we have put the VA back on course.

My great colleague from Connecticut is going to be the ranking member on the VA Committee, along with JOHNNY ISAKSON from Georgia. I have a challenge for him. I am going to be objecting to this bill because it throws money out there and doesn't solve the real problem. I know most of my colleagues disagree with me on that, but I actually did the work.

I started a year before all the VA scandals started, and I documented nearly 1,000 deaths at the hands of lack of our oversight and the lack of us holding the VA accountable. People are going to make mistakes all the time,

but we are the ones who have no excuse for not holding the VA accountable.

Our veterans deserve the very best. We cannot eliminate all of the tragedies that occur with war. Some of the most remarkable things happened during this bill.

I have a military liaison who had significant injuries as a result of serving this country. He got targeted by the veterans groups who wanted to pass this bill—talk about dishonoring a veteran. You are going after my MLA who served this country with distinction, who has had multiple operations because of his injuries and second degree burns in his service to this country. Nothing could be lower than that. That is politics at its worst.

So I believe in all my heart—I prayed all weekend. How do I answer this question? And the answer to the question is to do the hard work over the next year. Don't pass another bill. Hold the VA accountable. There should be a hearing every week on every aspect of every aspect of everything the VA does for the whole next 2 years so that they, in fact, will treat the people who put their lives on the line with the very respect, the very service that they so richly earned and we have spoiled because we undervalue it.

We have great employees at most of the VA facilities, but we have some stinkers. Until we change the attitude, until we hold the administration of the Veterans' Administration accountable, we will never change the attitude that our veterans aren't getting the very best. And they deserve the very best.

My heart breaks for the people who commit suicide. Do we know what it is? They find no relief anywhere else except death. There is no answer for them. We don't give it to them. We have failed them. I personally have failed them in my own medical practice. So they look at the only option that gives them relief from the tremendous pressure and tension they are experiencing.

I had a very close friend in the House whose son took his own life. We spent years building and loving that family to help them to deal with that loss. Catastrophic events, depression, and situations lead people to suicide—not any one individual. They are searching for an answer we have failed to give them. They are searching for the support and the nurturing and the love that needs to be there to say: I am going to mentor you and get you through this. That is where the VA has failed. That is where the military has failed. That is where we have failed.

Even the Veterans' Administration says everything in this bill has already been authorized. So what is it really about? It is about addressing an issue without addressing the issue. The real, hard work will come when, on C-SPAN, with me sitting in Oklahoma, I get to see DICK BLUMENTHAL and JOHNNY ISAKSON grilling every aspect of the VA to make sure they are top notch, they are putting their sacrifice on the line

the same way our soldiers do. That is when we start changing things.

So, regrettably, I object to this bill, not because I don't want to help save suicides but because I don't think this bill is going to do the first thing to change what is happening. What is going to change what is happening is when we as Members of the Senate and the Congress start bearing down and creating the transparency that is necessary so that Americans can see that our veterans are getting everything they deserve and a “yes, sir” and a “no, sir,” a “no ma'am,” a “yes ma'am,” a smile, and a greeting, and when they interact with the VA, they leave there fulfilled and proud that they are a veteran.

I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to respond to the Senator from Oklahoma by, first of all, expressing my deep respect and appreciation for the work he has done to hold accountable the Veterans' Administration and many other agencies of our U.S. Government. In fact, he leaves a legacy of oversight that I will be honored to continue and I hope will continue through the Veterans' Affairs Committee.

The efforts of the Senator from Oklahoma to scrutinize government spending through individual and independent assessments, in fact, are addressed in this bill in section 2, which requires, in fact, an independent third party to annually evaluate the Department of Veterans Affairs to establish metrics, to identify the cost-effectiveness of programs, and to propose best practices. Holding the VA accountable is one of the core purposes of this bill.

I am asking that the Senate take up a bill that was passed unanimously in the House of Representatives and that is supported on a bipartisan basis by 21 of our colleagues, that is blocked by a single Member, and that will make an impact on the spreading scourge of suicides among some of our very bravest and best warriors. We don't know—it remains a mystery—how some of our most courageous and steadfast warfighters can stare down death on the battlefield and succumb to it at home by their own hand. Those demons, those inner doubts, the invisible wounds of war, post-traumatic stress and traumatic brain injury are taking their toll at the rate of 22 a day.

This measure is actually scaled back. It is targeted and focused to provide incremental benefits to those veterans who are at risk by providing additional resources—psychiatrists and counselors—by mandating accountability in the use of those resources. That is more than we did 3½ months ago in another measure I strongly supported.

I express my appreciation to our 21 colleagues who have supported this measure but also to the IAVA and the VFW, to the survivors of veterans' suicides across the country and their families, and the families who came before

us in the committee such as Susan Selke's, whose son, Clay Hunt, is in the name of this bill. Susan Selke urged us to pass this legislation that will provide for an independent and strong source of accountability, because she believes it is necessary to help others such as her son before they succumb, as her son did.

That kind of outside review to impose discipline on the VA is, as my colleague has said, absolutely necessary not only for the VA but for VA clinics and hospitals around the country. But we need more psychiatrists in those VA clinics and hospitals, and this measure will provide those resources, along with accountability.

In one of his most recent reports, my colleague from Oklahoma highlighted the appalling case of Dr. Margaret Moxness, and I thank him for that report and others he has authored.

Dr. Margaret Moxness, a former physician at the Huntington VA Medical Center in Charleston, West Virginia, said that when she reported patients who needed immediate mental health treatment, supervisors instructed her to delay care anyway. She saw at least two patients commit suicide while waiting for treatment between psychological appointments.

I share my colleagues' view that we cannot simply hire our way out of this problem. We have a nationwide shortage of mental health care professionals, and that is why this legislation, in section 4, grows a pool of psychiatrists through tuition assistance, and that is why in section 6 it requires the VA to collaborate with outside nonprofit mental health organizations to improve the efficiency and the effectiveness of suicide prevention efforts.

This scaled-back bill is a down payment. It is not the end of solutions to this problem. It is a worthwhile measure that takes limited, targeted steps. Much more can and should be done. It has been championed by Chairman SANDERS, and I thank him and Ranking Member BURR for their efforts in the Veterans Access, Choice, and Accountability Act. This job will not be done until we end every suicide—not just the 22 every day, but every one of those 22 every day in this country.

Every single one of us, if we are honest with ourselves, knows a family that has been touched by this problem—every single Member of this body. I know it all too well because a friend of mine, Justin Eldridge of southeastern Connecticut succumbed to suicide as well. He was deployed in combat in Afghanistan where he braved mortar fire and sniper fire, and he returned to his family, his children, and his wife—his very young family—suffering from traumatic brain injury and post-traumatic stress. As brave as he had been on the battlefield, he could not win that war at home. He sought mental health care at the Connecticut VA facility. He had gone through a long battle for benefits. I helped him with it. But there was a significant gap in the continuity of his medical care. Basically, he slipped through the cracks and eventually took his life.

I knew him as the founder of the Marine Corps League in southeastern Connecticut, which I was proud to join as a member. How he fell into that black hole of depression and despair I certainly will never understand. But I hope someone could have understood it if we had provided the kinds of resources that are necessary in Connecticut and around the country. We have an obligation to leave none of these veterans behind, to hold the VA accountable, to make sure the resources are well spent, to avoid duplication, but to reach out to those brave and fearless warriors who fight on our battlefields and defend our Nation, and then are threatened and sometimes lose the war at home to post-traumatic stress and traumatic brain injuries—medical conditions that can be overcome with the right care as soon as possible.

I hope my colleague from Oklahoma will withdraw his objection. I thank my colleagues for supporting this measure. If it fails this time, we will bring it back and we will win and leave no one behind.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. WALSH. Mr. President, today the Senate had an opportunity to act and pass important legislation that will continue to address the crisis of veteran suicide. The numbers have been talked about. We are losing 22 servicemembers—veterans—each and every day across this country. Thousands of men and women each year are dying by suicide. If we were losing 22 of our servicemembers on the battlefield each and every day, the citizens of this country would be up in arms. The Members of Congress would be up in arms. We would be taking action to ensure that we were doing something about it. I recall when this body did take action, I was in Iraq, in Kuwait, getting ready to go across the border. There was the Secretary of Defense at that time who came over for a town-hall meeting, and we talked about how poor the equipment was that our Reserve component members were being given to go across the border from Kuwait to Iraq. Shortly after that time, the Reserve component started to receive up-armored Humvees. The action this body took made a difference. Once the Reserve components started to receive up-armored Humvees—the same type of Humvee our Active-Duty counterparts are receiving—it did make a difference.

This body has an opportunity to take action. We have put over a million men and women into the VA health care system over the past 13 years, and we have not provided the resources our men and women in the VA need to take care of these men and women who have been put into the VA health care system.

When we talked about the fact that the VA health care system needs to do

a better job, think about us not providing them with the resources they need to do their job. That is what this body is being asked to do—to provide the VA health care system with the resources and provide additional psychological health care providers in VAs all across our country so that the men and women who are coming back with psychological wounds of war can be dealt with.

When I introduced the first version of this important legislation back in March, I committed to use my time in office to bring attention to this issue. I thank all the Members of this body who have stood up and all the organizations that have come together and realized we have a problem. There are 22 men and women each and every day dying by suicide. We need to do something. We have done some things, but it is not enough.

It is a terrible disservice to millions of veterans and their families that this important bill has been blocked from passing because we are not doing everything we can do. Congress can't just thank our veterans. We hear each and every day on this floor and in the House how much we appreciate our veterans and how much we appreciate the men and women who are willing to sign on the dotted line, how much we appreciate their families for the sacrifice they make each and every day while our men and women are serving in Iraq and Afghanistan.

Our men and women who serve in the Armed Forces are willing to put their lives on the line for our freedoms and the things we enjoy each and every day across this country. We need to do more than provide lipservice from this Chamber about taking care of our men and women who sign and are willing to give their lives for this country and for those who have given their lives for this country.

As somebody who has seen the invisible wounds of war in the men and women under my command, I am deeply disappointed today that we haven't been able to pass this legislation and begin taking action to help our men and women who are contemplating dying by suicide.

One of the pieces of this legislation—right now when a young man or woman comes home, he or she can go to the VA, and they are taken care of for up to 5 years. Sometimes the wounds of PTSD or traumatic brain injury take longer than 5 years to surface. We need to continue to provide that service for up to 10 years or, in my opinion, for as long as these men and women are around and still living. Again, they were willing to put their lives on the line for this country. We need to be willing to take care of them for the rest of their lives, for those who were fortunate enough to come home from serving our country.

I am glad to see that Senator BLUMENTHAL will be around for the next Congress because I know he and other Members of this body will continue to fight to make sure our men

and women who served our country and who are suffering from the visible and invisible wounds of war will have someone here to fight for them because I know they will continue to carry on this message.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNANIMOUS CONSENT REQUEST—  
H.R. 2126

Mr. PORTMAN. I ask unanimous consent that the energy committee be discharged from further consideration of H.R. 2126 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. PORTMAN. Mr. President, this is with regard to the energy legislation that passed the House and has four commonsense, simple provisions we hoped to be able to pass by unanimous consent tonight, and hopefully I will be able to convince my colleagues it is something that is good for American jobs, American business, and for energy efficiency. There are four or five speakers who would like to talk on this. What I would like to do, if I could, is ask them to begin the debate here and then I will wrap it up at the end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise in support of my colleague and my partner in this energy efficiency effort, Senator PORTMAN, to support his unanimous consent request that the Senate pass H.R. 2126, the Energy Efficiency Improvement Act.

I am disappointed to hear Senator COBURN's continued objection to this legislation and to energy efficiency measures. This bill is identical to a more narrowly focused energy efficiency bill Senator PORTMAN and I introduced recently in the Senate. It tracks closely to legislation we have been working on actually for 4 years, the Energy Savings and Industrial Competitiveness Act, also known as Shaheen-Portman.

The legislation before us, H.R. 2126, is really a shortened version of Shaheen-Portman. Unfortunately, as we know, the longer version, the energy efficiency act, has stalled twice on the Senate floor—not due to concerns about what was in the bill but because of disagreements over other issues that were related to energy but unrelated to our bill.

While we may not be able to pass the larger bill this session, the Senate still has an opportunity to pass meaningful energy efficiency legislation by passing H.R. 2126. This is bipartisan legislation

that was introduced in the House by Representatives MCKINLEY, a Republican from West Virginia, and WELCH, a Democrat from Vermont, and passed the House earlier this year with overwhelming support from both sides of the aisle, 375 to 36.

That broad bipartisan support extends beyond Capitol Hill. It enjoys the support of business groups and environmental organizations and efficiency advocates who all recognize that energy efficiency is the cheapest, fastest way to begin addressing the Nation's energy needs. Supporters include everyone from the Natural Resources Defense Council, to the U.S. Green Building Council, to the U.S. Chamber of Commerce, and the Real Estate Roundtable. The list of businesses and organizations that have endorsed this bill numbers over 200.

This bill contains several provisions that will encourage efficient energy consumption, and as a result of this legislation, consumers and families will save money. The legislation will grow our economy, create jobs, and it will reduce pollution. It really is a win-win.

Even though it is not the longer version of energy efficiency legislation Senator PORTMAN and I have been working on for the last 4 years, it will do a number of things that are critical to address our energy needs.

First, it will create a voluntary, market-based tenant star program. This is modeled after the successful ENERGY STAR labeling program from building owners. It sets up a voluntary certification system for efficiency and commercial tenant spaces.

I see my colleague from New Hampshire Senator AYOTTE, who I think is going to speak to this provision in the bill.

I think it is important to remind people that what it does not do is provide financial incentives or create new regulations. It does not do that. It is a voluntary, market-based, business-friendly approach to encourage energy efficiency in commercial buildings. It also will establish a benchmarking and disclosure process for energy consumed in federally leased buildings, so we will all know how much energy is being consumed.

Third, it will require Federal agencies to implement strategies to increase the efficiency of data centers that are operated by the Federal Government—a huge user of energy.

Finally, it will remove a regulatory barrier to the manufacturer of large-scale water heaters. It is something Senator HOEVEN has been working on for a long time.

These four commonsense, targeted provisions are widely supported. As I said, they will grow our economy and help create jobs and demand for the American-made energy efficiency technologies. They will save businesses and families money on their energy bills, and they will cut pollution.

I am pleased to join Senator PORTMAN in this unanimous consent re-

quest, and I am disappointed that once again we are going to be prevented from moving forward with commonsense energy efficiency measures. I do hope that with the continued support on both sides of the aisle for energy efficiency, we will be able to come back before the end of this year and pass this measure.

Thank you very much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, first of all, I wish to thank my colleague from New Hampshire for her leadership on this important legislation, and I join her request, as well as the Senator from Ohio, Mr. PORTMAN's request for unanimous consent on H.R. 2126 that passed the House overwhelmingly in March by a vote of 375 to 36. Why is that? Because this is commonsense, bipartisan legislation that creates jobs, increases energy efficiency, reduces the amount of energy we need to use, and less pollution—and think about our overall goals of making sure America remains safe, energy independent, and energy secure, and it does it all in a way that is market-based, in a way that you have seen overwhelming support from both the business community and the environmental community.

This House bill on which we are asking unanimous consent is a companion bill to the work done by Senators PORTMAN and SHAHEEN in the Energy Efficiency Improvement Act, of which I am proud to be a cosponsor. This is an area where I believe we can find strong common ground in this body—energy efficiency measures that are market based, that move us forward to use less energy and create American jobs.

Within this bill is a provision called the Better Buildings Act, which I was proud to introduce with Senator BENNET from Colorado, and this is commonsense, no-cost legislation that would help boost energy efficiency in commercial buildings through the design and construction of efficiency improvements in leased tenant spaces in commercial buildings. So one of the important pieces of this legislation that is contained in the Better Buildings Act actually brings the tenants into the discussion. It is voluntary. It creates a situation where we have tenants and owners working together to reduce energy costs, save us money, and create jobs.

So I am hopeful that this bill will be cleared, this legislation. If you look at the list of groups that are supporting this legislation, it is not often that these groups all come together, and it really speaks to the commonsense nature of this legislation, the importance of it.

I, again, want to thank my colleagues for their leadership, especially Senator SHAHEEN and Senator PORTMAN. I hope as a body we can get this done because this is just plain common sense.