

Americans from workplace discrimination based on their sexual orientation or gender identity. All Americans deserve to be free from discrimination in the workplace, and ENDA is a crucial step to ensuring equal treatment.

I have been a cosponsor of the Employment Non-Discrimination Act every time it was introduced in Congress since the bill was first drafted in 1994. Two years later, in 1996, I was one of only 67 Members of the House of Representatives to vote against the Defense of Marriage Act. That seems like ancient history now—so long ago.

I am proud to say that the Employment Non-Discrimination Act has its roots in my home State of Massachusetts. Back in 1994, it was originally written by two titans of Massachusetts politics: Congressman Gerry Studds in the House of Representatives and Senator Ted Kennedy here in the U.S. Senate. We are coming up now close to 20 years since those bills were introduced first in the House and in the Senate.

While neither of these visionary leaders is with us today, their tireless work for equality lives on. They helped pave the way for this debate by challenging the pervasive view that LGBT people do not need or deserve the same legal rights and protections as everyone else.

We began debating this actually in the Massachusetts State legislature in the mid-1970s. In Massachusetts, in the 1970s, a law like this could not pass. But in 1989 Massachusetts became the second State in the Nation to adopt a law prohibiting discrimination based on sexual orientation in employment, public accommodation, housing, and credit services.

In 2004 Massachusetts became the first State in the Nation to extend marriage equality to same-sex couples. Massachusetts is again paving the way with the passage of one of the first transgender equal rights laws in the Nation.

The people of Massachusetts know that when some of our citizens are being discriminated against, the liberty of all people is diminished.

From schoolrooms to boardrooms, members of the Massachusetts LGBT community have made stunning progress toward full legal equality. Simply put, equality works in Massachusetts, and it works for Massachusetts. By ensuring that LGBT individuals have the same employment protections as everyone else, we have made the light of liberty in our State burn even more brightly.

The same basic civil rights protections that have been extended to LGBT residents of Massachusetts should be extended to LGBT people across the entire Nation.

For the last two decades, the people of Massachusetts have supported a national employment nondiscrimination law because we cannot allow our Nation to have one standard in States that pass laws that protect people from discrimination and have other States that do not. We cannot have the ca-

reers of people, the dreams of people, to be in fear of prosecution as people move from State to State. There should be a national standard which we establish—a standard that ensures that every person knows that wherever they are in the United States of America, they are going to be protected, that they were created by God, and they have a right to these protections in every State in our country.

Today the number of States that have adopted their own antidiscrimination laws is basically increasing. I applaud the progress that has been made to advance the cause of equality on the State level. However, 29 States still do not have these critical protections in place. That is 29 States too many that still refuse to provide those protections.

In the end, it comes down to this: We should treat others as we would like to be treated ourselves. The LGBT community is made up of our friends, our neighbors, our coworkers, and our families. We all deserve the same rights regardless of who we are, regardless of where we live in our great Nation. That is what is truly exceptional about America. Despite our challenges, we remain the brightest beacon of freedom, opportunity, and equality in the world.

I have a great deal of pride in our Nation and our people. I truly believe that despite our differences, we can come together with one voice to say that discrimination is wrong. So let's here, this week, all stand together for a future without discrimination in the workplace. It will make America more productive. It will make us more wealthy but, most importantly, it will ensure that we have removed that stigma of discrimination that puts fear into the hearts of American citizens unnecessarily. This is a huge, historic week that we are about to see unfold in our Nation's capital. I pray we can pass this bill and send it over to the House of Representatives so we can have this full debate in our Nation for equality for every person who lives within our boundaries.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I ask to be allowed to address the Senate for a brief period of time.

The PRESIDING OFFICER. The Senator is recognized.

#### BALANCING THE BUDGET

Mr. SANDERS. This afternoon I wish to touch on two issues. One is the issue of Social Security, which is life-and-death for many millions of Americans, and the other is the issue of Medicare and Medicaid.

The main point I would like to make—and I make this as a member of the budget conference committee—is that the American people, regardless of their political persuasion—Democratic, Republican, Independent, conservative, progressive, whatever—are quite united in stating they do not want cuts to Social Security, Medicare, and Medicaid and they do not believe we should balance the budget on the backs of some of the most vulnerable people in this country.

According to the latest National Journal/United Technologies poll, 81 percent of the American people do not want to cut Medicare benefits at all, 76 percent of the American people do not want to cut Social Security benefits at all, and 60 percent of the American people do not want to cut Medicaid benefits at all. This is only one of many polls that are out.

What the American people understand is that millions of people are hurting in today's economy. The number of people living in poverty is at an alltime high, and median family income is going down. Unemployment is much too high. People are hurting, and we cannot make devastating cuts to the social safety net that is literally life-and-death for so many of our people.

I did want to mention that I worked on a petition drive with a number of grassroots organizations throughout this country. They include CREDO, Daily Kos, Campaign for America's Future, Social Security Works, Democracy for America, Progressives United, MoveOn, Other98, USAction, and the Alliance for Retired Americans. In a pretty short time—less than 1 week—we received over 500,000 names on a petition that says very clearly: Do not cut Social Security, Medicare, and Medicaid. Do not balance the budget on the backs of some of the most vulnerable people in this country.

The other point I would make when we talk about the budget is that at the end of the day people do believe the deficit is too high. We should be proud, by the way, that in the last 4 years we have cut the deficit in half, but it is too high. But what the American people also say is that what is much more significant to them is the economy and the fact that we have so many people who are unemployed.

I would point out, as somebody who believes very strongly—and I speak as a former mayor of Burlington, VT—who believes absolutely that when your infrastructure—your roads, bridges, and rail system—is in need of enormous investment, where we can create millions of decent-paying jobs rebuilding our crumbling infrastructure, what the American people are saying is, yes,

we have to create jobs. According to a March 3, 2013, Gallup poll, 75 percent of the American people—including 56 percent of Republicans, 74 percent of Independents, and 93 percent of Democrats—support “a federal jobs creation law” that would spend government money for a program “designed to create more than 1 million new jobs.”

Again, of course, people say we are divided in America. In many ways we are not quite so divided. The American people say don't cut Social Security, Medicare, and Medicaid. The American people say the most important issue facing our country is creating jobs. They want the Federal Government to do that. In this body we are divided, but among the American people, on these issues, Republicans, Democrats, and Independents are not quite so divided.

When we talk about unemployment, an issue that does not get anywhere near the kind of discussion we need is youth unemployment in America. As horrendous as unemployment is for anybody of any age, it is terrible for the young people who are graduating high school and graduating college. All of us say to the young people in this country: Don't stand on street corners. Don't do drugs. Go out and get a job, create a career, and make it into the middle class.

Yet real unemployment for young people in this country, for youth in this country, is somewhere around 20 percent. Among African-American young people it is over 40 percent. I don't hear the discussion in the Senate about the need to create the millions of jobs our young people desperately need so when they leave school they can go out and create a career for themselves and make it into the middle class. I worry very much about those young people who don't have that opportunity.

In an interview published October 1, 2013, Pope Francis said:

The most serious of the evils that afflict the world these days are youth unemployment and the loneliness of the old.

He is not, of course, only talking about America; he is talking about what is going on throughout the world.

Continuing:

The old need care and companionship; the young need work and hope but have neither one nor the other, and the problem is they don't even look for them anymore.

I couldn't agree more.

We cannot turn our backs on the elderly. We cannot cut Social Security and Medicare. We cannot turn our backs on the young people. They need to be given the opportunity to have decent jobs and make a life for themselves.

#### OLDER AMERICANS ACT

I would also like to say a few words about a piece of legislation that just passed the Health, Education, Labor and Pensions Committee. I am the chairperson of the Subcommittee on Primary Health and Aging. I thank Chairman HARKIN and Ranking Mem-

ber ALEXANDER, who are cosponsors of the Older Americans Act legislation that only last week came out of committee. This is a bill some of us have been working on for several years.

The Older Americans Act is an enormously important piece of legislation for senior citizens all over this country. The bill that came out of committee in a very strong bipartisan way has the strong support of over 50 national organizations representing tens of millions of Americans, including AARP, the National Committee to Preserve Social Security and Medicare, the National Council on Aging, the Alzheimer's Association, and the Meals On Wheels Association of America.

I won't go into all of what this bill does, as I don't have the time to do that, but it deals with the very important issue of elder abuse and making sure that seniors in nursing homes get the care and respect to which they are entitled. It deals with the Long-Term Care Ombudsman Program. It places an increased emphasis on evidence-based programs. It addresses the changing nature of senior centers in America, prevents fraud and abuse, and it focuses on home care and nutrition services. There is a lot in this bill that I believe is quite good, and it is a step forward.

One of the problems we have—Senator BURR of North Carolina raised it, and appropriately so—the issue is that we are seeing in this country in general a migration of folks from northern parts of the country to the South—this is not a new issue—including many seniors. What Senator BURR was arguing is that he thinks the current formula is unfair and that it does not take into account that kind of migration. I think he has a valid point, which we want to address.

The other point and the most important point is that since 2006—the last year in which the Older Americans Act was authorized—the U.S. elder population has grown by over 20 percent. As the baby boomers age, every single State in this country has seen its senior population grow. The important point is that Federal funding for this legislation is the same today as it was in 2006—\$1.8 billion. Funding for the act in terms of real inflation-accounted-for dollars has decreased by more than \$250 million during that period of time.

We have a growth in the senior population and a decline in real dollars going into the needs of seniors through the Older Americans Act, and this is a very serious problem. We compound that problem with the migration from the North in some States to the South.

What is the solution? I believe the solution is very simple. If we understand that the Older Americans Act is an enormously cost-effective act—one doesn't need to be a gerontologist or a physician who deals with senior citizens to understand that when a senior is malnourished and doesn't get the nutrition he or she needs, that senior is

more likely to break a hip by falling, that senior is more likely to get sick, go to the emergency room, and go to the hospital at great cost. Everybody knows that. There is no debate about that. When seniors have the companionship and the nutrition they need, they are less likely to go to the emergency room, they are less likely to go to the hospital, and we can save money.

Study after study shows that investing in programs such as the Older Americans Act—that is, the Meals On Wheels program, the congregate meal program, employment opportunities for seniors, dealing with elder abuse—when we invest in those programs, we save money. We not only from a moral perspective make life better for seniors, we actually save Federal money by preventing other bad things from happening.

I hope our committee and Members of the Senate can work together to say that increasing funding for the Older Americans Act is not only the right thing to do for millions of Americans, it is also the cost-effective way to go. If we can increase funding, we can deal with some of the issues Senator BURR has raised.

What I will not support is making drastic cuts in certain States, such as Iowa, New York, or Massachusetts, in order to increase funding in other States. We have to protect every State in this country because there is no State in which programs like the Meals On Wheels program don't already have long waiting lines. What we need to do is invest in these programs. When we do, we will have done something that is very important for seniors all over this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### HEALTH CARE

Mr. JOHANNIS. Madam President, I come to the floor today to talk about the health care law. We have reached the 1-month milestone of the embarrassing rollout of healthcare.gov, and it doesn't work. There is no shortage of headlines about the issues.

CNBC: “99 percent of Obamacare applications hit a wall.”

Bloomberg: “Insurers Getting Faulty Data From U.S. Health Exchanges.”

Consumer Reports: “Stay away from HealthCare.gov for at least another month if you can.”

Forbes: “Now She Tells Us: Sebelius Says Obamacare's Exchange Website Needed Six Years of Development, Instead Of Two.”

The Associated Press: “. . . government memo shows . . . a lack of testing posed a high security risk . . .”

Nebraskans have relayed the same frustrating messages to me and to my office. One Nebraskan from Ogallala

shared that she was on the Web site from 9 a.m. until 3 p.m. and was not able to set up an account. She said that after 6 hours the Web site screen read: "The account couldn't be created at this time." Another Nebraskan from Norfolk said he couldn't get the Web site to work, so he contacted a Web site official, who actually said he could not help him. Instead, the official directed him back to the nonworking Web site.

The accounts from people who have experienced page crashes, hours and hours of slow service, no service, and information errors goes on and on. Yesterday, I launched a page on my Web site for Nebraskans to share their ObamaCare stories. In just the first 24 hours, nearly all of the stories I have received are heart-wrenching accounts about the law's negative impact.

Despite the headlines and stories flooding in across the country, the President continues his all-too-familiar cheerleading act. Rather than offering Americans the accountability and the transparency they deserve, the President claims, "the product is working; it's really good."

Top HHS officials reflected the President's poor leadership in their hearings today and last week. They dodged questions, they withheld critical information, and they delivered more promises that won't be kept. Strikingly, the ObamaCare enrollment site was actually down as the HHS Secretary testified for the first time about the Web site's troubled rollout and even assured Americans the Web site is working and that it is just slow and unreliable.

Americans are understandably frustrated with this failed effort and, most importantly, this failed law. Last week I cosponsored legislation that requires HHS to provide weekly reports to Congress and to the public about [healthcare.gov](http://healthcare.gov). This ensures Americans, who have paid over \$400 million for this exchange, will actually receive the transparency they deserve. While enacting this bill is one worthwhile step, the issues with this law aren't just about the Web site. The reality is there are much larger issues—issues that no fix to the Web site can solve.

Not surprisingly, the law's botched implementation is mimicking the clumsy passage. I was here. I saw it—2,700 pages written behind closed doors, passed on party-line votes, full of unrealistic promises and filled with pork. It indeed has been a recipe for disaster since day 1. We received clear warnings in 2009 that a lack of transparency, missed deadlines, and broken promises were to be the legacy of this law. And now, almost 4 years later, we are seeing just the start of the real-life consequences of this irresponsible process and policy.

A number of stories I have heard from Nebraskans reflect what is happening on a large-scale basis across this great country. A widowed mother from Kearney pays for her family's health insurance out of her own wages.

She is extremely disappointed because her existing plan won't be offered next year. The President's repeated promise to her and to others that "if you like your plan, you can keep it" is not true for that mother in Kearney or for millions of Americans.

So this Nebraskan is stuck with two options: She can choose a plan with a similar premium, but her coinsurance will go up, her deductible will increase to \$1,500, and her family out-of-pocket limit will increase to \$9,700. Her second option is to select a plan with similar coverage that costs an additional \$200 per month. That is \$2,400 more per year. She said in her letter:

I don't find this to be affordable health care. I had affordable health care.

This woman is not alone, according to figures released by the Nebraska Department of Insurance about the exchange in our State. Nebraska's insurance director said:

Basically, the rates are going up.

Family coverage for a single mom with 3 children in Hastings, NE, will increase 21 percent. A single male in Lincoln will see a 144 percent increase. Let me repeat that—a 144 percent increase.

A Manhattan Institute study found that Nebraska would be one of the worst-hit States for rate hikes, specifically citing young males and middle-aged women.

A practicing physician in Nebraska wrote to me saying Obamacare will "destroy" our health care system. She says the law means "more paperwork, less time with patients, doctors outright quitting or retiring early, and fewer students willing to invest time and money to become doctors."

This fall Nebraska grocers came to my office to discuss ObamaCare. They shared that small grocery stores are hiring fewer people and are cutting back hours. As we all know, the employer mandate requires businesses with over 50 employees to provide coverage for all of their employees or pay a \$2,000 penalty for each employee. Even though the mandate was delayed, grocers shared, "The labor force is fundamentally changing already." I might add, not for the better.

I find it amazingly contradictory that the Obama administration is granting a delay that provides private businesses temporary relief from an employer mandate. Yet American families will be subject to the individual mandate. It is even more inconsistent and unfair to punish American families by imposing a penalty for not enrolling on a Web site that isn't working.

Last week I signed on to legislation to delay the individual mandate until 6 months after the Web site is verifiably fixed. I have also signed on to a bill that delays the mandate for 1 year and another bill that would repeal it entirely. I firmly oppose the mandate. I hope to repeal it. But at the very least, I believe the American people should have the same protection our Nation's

businesses have been promised. Because the reality is this law has put goodwill and hardworking Americans, who are playing by the rules, in the most frustrating and heartbreaking situations.

When it comes to this law, I have already said I believe the people of Nebraska and the citizens of our great country deserve so much better. They deserve a law that addresses the rising cost of care. They deserve a government that fosters economic growth so that families can confidently make a downpayment on a house, send their kids to college, grow their businesses or start a new one. Instead, because of their government, Americans are more uncertain than ever. They simply can't make sense of the 2,700-page law or its 20,000 pages of regulations and what that means for their families. You would need a cadre of lawyers to figure that out.

The administration's failed Web site launch only deepens Americans' concern about what more could come. ObamaCare was never ready for prime time. It wasn't ready that Christmas Eve when it was passed on a pure party-line vote. Sadly, we all knew this when it passed, but now we are beginning to see that you reap what you sew.

Today we find ourselves at a crossroads, and it is time to listen to the American people and repeal the law. That would deliver the single biggest solution to removing the uncertainty, anxiety, and burden upon our economy. History will harshly judge those who defend, for political reasons, a law that is so clearly inflicting so much harm.

Lately, a few of my colleagues from the other side of the aisle have begun to admit the problems and admit they are real and substantial. There is tremendous pressure on them not to break ranks. Yet several are beginning to speak for the people instead of the party. Some are rightly beginning to refuse to defend promises that have now proven to be lies. Most importantly, some are now signaling a willingness to support legislative solutions.

Maybe there is a crack in the armor, but we need more than the current few to stand with the American people. We need 15 Democrats to join our 45 Republican Senators to actually repeal or amend any section of this ill-advised law. It is a worthwhile endeavor, and it is one we must pursue.

I believe that, ultimately, history will commend those who rise above the political fray to recognize that at this moment in time true statesmen, true public servants must stand with the American people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Connecticut.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, I wish to begin by thanking a number of my colleagues for their leadership, including Senators MERKLEY and HARKIN and others in this body who have championed the Employment Non-Discrimination Act, known as ENDA, over many years with great passion and constancy. Now we are literally on the verge of approving this historic measure in this body and hopefully in the House of Representatives.

I have heard from numerous organizations that represent America's workforce, such as the Service Employees International Union and the United Auto Workers Union, that—and I am quoting the UAW—“this legislation represents a step in the right direction toward providing equal opportunity for all Americans.” That message is also carried on by America's faith leaders, our business community, generally, and many others who have fought over the years for civil rights and civil liberties. It is one of the paramount civil rights issues of our time and I am proud to be fighting for it.

I wish to mention some of the American businesses that have stepped forward to endorse this legislation: Boehringer Ingelheim Pharmaceuticals of Ridgefield, CT; Diageo North America of Norwalk, CT; UBS AG of Stamford, CT; and Xerox Corporation, also of Stamford, CT. There are many others around Connecticut, big and small.

The reason the business community is steadfastly and strongly behind this bill is that it is good for America's working men and women and it is good for the business community. It has attracted bipartisan support in this body and around the Nation. America is moving toward this kind of guarantee against discrimination.

This bill is many years in the making. The last time the Senate voted on this issue in 1995 the bill couldn't even attain 50 votes. Our Nation has made tremendous progress since then, of course—not only on this bill but on a range of LGBT civil rights issues. This bill is important because it is inclusive. “Inclusive” is the word that ought to characterize our society.

In the 18 years since the Senate last voted on ENDA, 14 States, which together are home to almost one-third of the Nation's population, have come to recognize same-sex marriage. This is, of course, an increase from zero in 1995.

Over the past two decades, we have seen a string of landmark Supreme Court cases, from *Romer v. Evans* to *Lawrence v. Texas*, to this year's hugely important and inspirational ruling in *Windsor v. United States*. But this issue is about more than just legal reasoning and rulings. It is about real people. It is about members—millions of them—of the LGBT community who are now just beginning to enjoy full

freedom and equality that is guaranteed to them by our Constitution as citizens. It is about their moms and dads, brothers and sisters, sons and daughters, members of their families from all over, as well as their coworkers in the places where discrimination will be banned and who are supporting this legislation. They deserve nothing less than full equality, which is what this bill would give to them. They should not be victims of discrimination because of whom they love. That is the simple idea behind this historical potential law.

Still, we have a lot more work to do on this bill. The House certainly will not be an easy battle. We need to make sure, very simply, that the House is given an opportunity to vote. Because if it is given that opportunity—if the House votes—it will approve this bill, just as it did the Violence Against Women Act, after the Speaker initially denied that opportunity. The last time this bill came to a vote in the House was in 2007, when 35 Republicans joined Democrats to pass the bill, but it did not pass the Senate.

I understand Speaker BOEHNER may have reservations. He has expressed them already. I understand the politics for other Members may be difficult. But this vote is about the future of our Nation, about what kind of America we are going to be. It transcends in importance a lot of the measures we undertake. It is about real people's lives in the workplace, in their homes, and what kind of life they have, what kind of opportunities they have to fulfill all of their potential as human beings. That is why America is so special. It guarantees people an equal opportunity.

In 29 States, LGBT Americans live without any protections against discrimination in private sector employment. They have those protections in 21 States across the country. Between 15 percent and 43 percent of all LGBT Americans have experienced discrimination or harassment in their workplaces because of their sexual orientation or gender identity, and that number rises to a staggering 90 percent for transgendered Americans in particular, with more than one-quarter—25 percent—reporting they have been fired. These kinds of troubling statistics have no place in the America of the 21st century.

We have an opportunity in this same bill to ban discrimination against our veterans. I would suggest—and I will propose it in an amendment—that similar protections be afforded to them. Hiring a veteran is a good investment for any business. Veterans have unique qualities, including dedication and discipline, which make them qualified for many civilian jobs. Unfortunately, too many veterans are unable to find work today, most especially our younger veterans who experience higher unemployment rates than their contemporaries who have not made the sacrifice and have not

given the service they have in uniform. For them to be unemployed at higher rates is a disgrace. It is an outrage that the greatest Nation in the history of the world whose citizens volunteer to serve and sacrifice, preserving our freedom, have higher unemployment rates when they come home than others.

The evidence is—and I have heard it and seen it from veterans as well as others—that they are sometimes victims of discrimination. That ought to be outlawed. That is what I believe this law can do, in addition to seeking equality and opportunity for all Americans and banning discrimination based on sexual orientation or gender identity.

I wish to express my gratitude to AMVETS, Veterans of Foreign Wars, and the National Guard Association of the United States, which have supported this initiative prohibiting discrimination against veterans. When I introduced S. 1281, the Veterans and Servicemembers Employment Rights and Housing Act of 2013, they supported it, and I am grateful to them. I think this kind of amendment would be a welcome companion to ENDA, the landmark legislation the Senate is moving forward toward passing.

#### MANUFACTURING REINVESTMENT ACCOUNT ACT

When it comes to the workplace—on a separate, unrelated piece of legislation—I wish to thank Senator COONS for his leadership in the manufacturing initiative area he has spearheaded and speak on a particular measure that will help manufacturers grow and invest, the Manufacturing Reinvestment Account Act. This legislation was cosponsored by my colleague from Connecticut, Senator MURPHY, as well as sponsored in the House by another Connecticut colleague, ROSA DELAURO, to create a new type of an account that manufacturers can use to help save and eventually make investments in their businesses.

I am proud the Manufacturing Reinvestment Account Act is part of the Senate's manufacturing American jobs agenda led by Senator COONS. Under this initiative, several of my colleagues have come together to make sure we move away from manufacturing crises and toward manufacturing jobs. That is what we should be doing, helping to create jobs, not create crises, especially when they result in self-inflicted wounds.

This bill will allow manufacturers to put up to \$500,000 a year in these special manufacturing reinvestment accounts, much like people put away money in IRAs. It would give them 7 years to use the money they deposit for qualified manufacturing expenses. Essentially, these manufacturers can use these funds for investments in physical capital such as equipment and new facilities or human capital such as job training and workforce development. They then would be able to withdraw the funds from their accounts at a low 15-percent tax rate.

This bill is a Connecticut original. I am very proud I sponsored it last session and I am proud to do so again now. I wish to thank in particular Jamie Scott of Air Handling Systems in Woodbridge, CT, for the key role he played in developing this idea. He came to me with the basic concept and we developed it into a bill which is so eminently qualified for support. It makes such clear common sense, and it shows what happens when industry leaders and their elected representatives work together to devise innovative ideas to grow the economy. We not only produce in Connecticut and make the best manufactured products in the world, but we also make ideas, which is why this Yankee ingenuity has produced a bill that favors reinvestment accounts to enable investment at low tax rates and spur and incentivize job creation.

With the support of Mr. Scott and Congresswoman DeLAURO, it has been reintroduced on the House side. I have been happy to introduce this legislation in the Senate. I hope it will provide real encouragement for manufacturers to grow and invest and expand job training, taking this money from profits and putting it away so it can be saved without taxation, and then using it at lower rates of taxation is a basic principle that makes eminent good sense. I think it comes at an important time as we all grapple—economists, experts, businesspeople—with how to recognize and spur a manufacturing renaissance throughout the United States. What is needed is dollars and capital and the commitment to make sure we create jobs and use people for those jobs who are not only willing but eager to work.

I also thank our community colleges, such as Asnuntuck and others around the State, that have done so much to provide job training in the skills that are needed, matching skills to jobs that exist and jobs that will be created. Asnuntuck Community College's manufacturing technology program is just one example among all of our community colleges which have trained more than 1,000 students who have transitioned successfully to private sector jobs that make use of the cutting-edge skills they learned on machinery, often donated by businesses, so Asnuntuck can teach those students so they can be matched to those businesses' needs. I have seen those students in action during my visits to Delta Industries in East Granby and ATI Stowe Machining in Windsor. Both of these companies have hired many students from Asnuntuck and are looking to hire more as they grow and expand in Connecticut.

So these programs serve a profoundly important public good for our whole country that should bring us together on a bipartisan basis. We want to work together, not divide ourselves over false crises and unnecessary partisan division. I am confident, if we pass this legislation, our manufacturers will use

this innovative tool and the manufacturing reinvestment account will help us to double down on growing America.

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.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

#### BUDGET CONFERENCE

Mrs. MURRAY. Mr. President, earlier this year, a man named William, who is from Gig Harbor, WA, wrote to me to express his frustration with what he saw happening here in Congress. William served in the Navy. He now works for a tech company that supports Navy communications in the Pacific Northwest.

Like so many Americans in recent years, he has witnessed hiring freezes and cutbacks and furloughs and layoffs. He said a couple of years ago he was hoping for a promotion, but now he considers himself just lucky to have a job. He is not even sure how long he can count on that.

Well, William is not alone. The partisanship and the gridlock here in Washington, DC, have been devastating for families such as his in my home State of Washington and across the country.

The government shutdown and the debt limit brinkmanship last month were just the latest examples. But Congress has been lurching from crisis to crisis for years and it has got to end. So today I am going to share a few stories from families who have been paying the price for the dysfunction here in Congress. I have worked very hard to make sure that voices such as theirs are heard loudly and clearly in the budget process. I am going to keep fighting to make sure their interests are represented every day as we work now toward a balanced and bipartisan budget agreement.

Seven months ago the House and the Senate each passed their budget. The Senate budget that we passed here was built on three principles. First of all, our highest priority was investing in jobs and economic growth and prosperity that is built from the middle out, not from the top down.

Secondly, the deficit has been now cut in half and we built on the \$2½ trillion in deficit reduction we have passed now since 2011 to continue to tackle this challenge fairly and responsibly.

Third, our budget keeps the promises that we have made to our seniors and our families and our communities.

The budget that passed the House reflects different values and priorities.

But it was our job to get in a room, make some compromises with them, and find a way to bring those two budgets together. Although I had hoped we could start this bipartisan budget negotiation far sooner and avoided last month's crisis, the budget conference has now begun—started last week—and offers us now the opportunity to break this cycle of gridlock and dysfunction and start moving our country back in the right direction. We have a chance now to turn our attention back to where it belongs, strengthening our economy and creating jobs, continue making responsible spending cuts while closing wasteful tax loopholes that are used by the wealthiest Americans and biggest corporations, and to finally show the American people that Congress can work together. We can compromise and alleviate the uncertainty and the pain that families across the country are facing.

The effect of these years of gridlock is clear in places such as the Denise Louie Education Center in Seattle. I visited that Head Start Program earlier this year where pre-K students from low-income families can learn their ABCs and take part in story time and benefit from health and nutrition programs. Even before the major cuts to Head Start that took effect last month, that center had a waiting list. Now the director of the school has had to drop kids from that program because of these tight budget constraints.

They are far from alone. Another Head Start in Everett, WA, a program that has served needy kids since the 1970s, had to completely shut its doors this summer because Congress could not work together. That one facility alone was helping 40 kids prepare for kindergarten. Nationwide, these cuts have forced tens of thousands of children out of Head Start as well.

That is not all. The senseless cuts for sequestration have impacted education programs all across the country. Researchers and scientists who are working on cures for cancer and other diseases have lost their jobs. Programs such as Meals on Wheels that deliver food to seniors have been cut.

There is so much more. The ripples from the so-called sequester have been felt in our homes and in our businesses and across our fragile economy.

The across-the-board cuts have also had, of course, serious impact on defense programs and workers. Earlier this year I heard from one of my constituents whose family was impacted by this very directly. His name is Bob. He is from Bremerton, WA, and is an engineer at the Puget Sound Naval Shipyard. He told me every day highly skilled employees come into his office, often in tears, and tell him they do not know how they are going to manage to make ends meet if they are furloughed or laid off. They are worried now. They have felt the pain for months. They know it could get worse. Because if these automatic cuts are not replaced in a bipartisan deal, another \$20 billion

is scheduled to be cut from defense spending in January, just a few short months from now. That would make more furloughs and layoffs much more likely. It would mean continued and deeper cuts to combat training.

It does not have to be this way, because something both Democrats and Republicans agree on is that the very least this budget conference should be able to accomplish, at an absolute minimum, is finding a path to replace these terrible sequester cuts and set a budget level for at least the short term.

Republican Congressman HAL ROGERS, the House Appropriations Committee chairman, said, "Sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end."

Even House Speaker JOHN BOEHNER said the cuts would "hollow out" our military.

Just recently the House Armed Service Committee Republicans sent me and Chairman RYAN a letter urging us to replace the sequester, saying it was "never intended to be policy."

That is exactly right. Sequester was intended to be so bad it would drive both sides to the table to be willing to make some compromises, to replace it with smarter savings. I am very glad that more and more of our colleagues from both sides of the aisle are stepping up to try and find a solution. So the question now is not whether we should replace the across-the-board sequester cuts, but how we do it.

The House and the Senate budgets both deal with sequester, just in different ways. The House budget fully replaces the defense cuts and lifts the BCA cap. It pays for that by cutting even more deeply into key domestic investments. Our Senate budget, on the other hand, replaces all of the automatic cuts and pays for it with an equal mix of responsible spending cuts and revenue that we raise by closing wasteful tax loopholes.

Finding a bipartisan solution will not be easy. We all know that. It will require compromise from both sides. As I mentioned at our first budget committee conference last week, I am going into this process ready to offer some tough spending cuts that, unlike the sequester caps that disappear in 2022, would be permanently locked into law. I know there are many Republicans who would be very interested in swapping some of the inefficient and damaging cuts in the sequester with structural changes to programs that would save many multiples of the cuts to be replaced in the coming decades.

In short, I am willing to compromise. I am ready to listen to Republican ideas, as long as their proposals are fair for seniors and families. I am prepared to make some tough concessions to get this deal done. But I cannot negotiate by myself. Compromise has to run both ways. That means in addition to the responsible spending cuts, Republicans need to work with us to close

wasteful tax loopholes and special-interest subsidies, because it would be unfair and unacceptable to put the entire burden of deficit reduction on the backs of our seniors and our families. It should not be difficult for Republicans to agree to put just a few of the most egregious, wasteful loopholes and special-interest carveouts on the table to get a balanced and bipartisan deal.

If the choice is between closing a wasteful loophole and lurching to another crisis, I hope every one of my colleagues will put their constituents before special interests. Over the last few years people across the country have lost a great deal of confidence in Congress's ability to work together for the good of our Nation, people such as Naani King, who, as the New York Times recently reported, serves as a registered nurse at Madigan Army Medical Center in my home State of Washington. During the shutdown last month, she worked without pay. Without a paycheck, she had to dip into her retirement account to make her monthly mortgage payment. Now, even though the shutdown is over, her family cannot take any chances. She told the Times, "We just have too much to lose."

We here in Congress owe it to her family and to families all over this country to work to find a path forward. So let's put an end to this gridlock. Let's put an end to these crises. Let's show the American people we are listening to them. In fact, let's show them that their stories are more important than sticking to party lines or staying in ideological corners.

We have got to rebuild some trust and we can do that. We need to find a path to compromise. We need to work together to strengthen our economy and create jobs. I am ready to do that in this budget conference. I am hopeful that over the coming weeks every one of my colleagues on that committee will make it clear that they are as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURPHY. 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. MURPHY. Mr. President, I am very proud to be here today speaking in support of historic legislation that will move us one step closer to the day when who you love has absolutely nothing to do with the rights that you are afforded as a citizen of the greatest country in the world.

Frankly, the passage of the Employment Non-Discrimination Act is embarrassingly long overdue. In my State of Connecticut we have had anti-discrimination laws on the books for over 20 years. In 1991, Connecticut became the fourth State to formally pro-

tect LGBT workplace rights, and in 2011 we became the 15th State to offer similar protections to our transgender citizens.

So it is funny, because my constituents assume that all across this country it is already illegal to fire somebody for whom they love and for who they are. But, of course, as we know, that is just not the case across most of the country.

Right now, in some States, you can be fired from your job simply because of having a little photograph of your partner on your desk at work. While ENDA has been a commonly accepted civil rights protection in my State, you may hear some express opposition to this legislation on this floor by vaguely citing what are commonly referred to as the "concerns of the business community." I am not sure what businesses they are referring to, because in my State we have some of the biggest and most successful multistate and multinational businesses in the world; and they know that nondiscrimination isn't just the right thing to do, it is also really good for business.

Companies such as United Technologies, General Electric, and Xerox want the best and the brightest people to work in an inclusive team environment—not having their employees hiding from each other who they really are. Companies such as BI Pharmaceuticals and Aetna haven't folded under the weight of having these State-based workplace protections. In fact, they are thriving in Connecticut, across the country, and all around the world.

So in speaking with companies from all over Connecticut, none, to me, has ever argued that equal protection in Connecticut is something that is holding their businesses back. They have been living under this law for decades now. And it is not just Connecticut's largest employers. Connecticut's law actually goes further than ENDA does in prohibiting discrimination even among businesses with fewer than 15 employees. Our small business community understands that, far from inhibiting commerce, nondiscrimination policies actually help make our companies—big and small—stronger.

So even though a majority of American businesses oppose employment discrimination, some argue this legislation is going to harm businesses whose leaders have very strong religious beliefs. However, I think it is important to note the religious exemption in this legislation is even broader—remarkably broader. I would argue—than the exemption that is in Title VII of the Civil Rights Act, and it represents a compromise that doesn't go as far as some Members of this body, including myself, would like.

In an op-ed that was published this summer, the former head of the NAACP, Julian Bond, equated these religious concerns with the arguments he heard from opponents of the civil rights movement in the 1960s. Here is what Bond wrote.



In response to the historic gains of the Civil Rights movement in the 1960s, opponents argued that their religious beliefs prohibited integration. To be true to their religious beliefs, they argued they couldn't serve African-Americans in their restaurants or accept interracial marriages.

It would be shocking to hear somebody make a similar argument today about the treatment of African-Americans in our society. Frankly, I think it will be just as shocking 40 or 50 years from now for people to read that this argument is being made today about the treatment of LGBT Americans. There are, in fact—interesting to point out—numerous Christian and Jewish organizations and denominations that have taken a strong stand in favor of this legislation because they understand that unequal treatment under the law is at odds with their faith.

Others on this floor have made the argument that passage of ENDA will lead to frivolous lawsuits from fired workers. So let me give my State's perspective on this. Again, we have been living under this law since 1991. We have had protections that we are debating today for two decades and we simply haven't seen frivolous lawsuits. And again, we have big companies that employ thousands of people across the State and across the Nation. Let me cite the statistics from 2009 to 2010, which is the most recent year for which we have data available.

Out of a total of 1,740 employment-based discrimination complaints that were filed in the State that year, only 53 were based on sexual orientation discrimination. Just as a means of comparison, 464 complaints were filed based on age discrimination. We went back a number of years, and in not a single year over the last half decade that we looked at were there more than about 40 or 50 complaints.

My State has been a test case for these protections for sexual orientation and gender identity. The parade of horrible consequences opponents of this bill say will happen just have not happened in Connecticut.

What we are doing here is pretty simple. We are not trampling on the First Amendment. We are not dictating morality. We are not harming the economy. We are not undermining the religious community. We are just saying that you can't discriminate against people in the workplace because of whom they choose to love or who they are inside.

The simplicity of this bill is why two-thirds of the American public support it, and it is why I believe that 50 years from now history is going to judge no less harshly those who vote against this act as it now judges those who voted against some of the civil rights acts of the 1950s and 1960s. Whom you love, who you are inside, and what you feel should never, ever be a reason for discrimination.

I was on the House floor 6 years ago when the House passed ENDA, and I still remember listening to Congressman Barney Frank's closing argument.

He welled up as he was giving it, and there were a lot of tears shed on the floor as well. I just want to close by quoting what he said, and I won't try to do his accent. Barney Frank said:

I used to be someone subject to this prejudice. And through luck and circumstance, I got to be a big shot. I am now above that prejudice. But I feel an obligation to 15-year-olds dreading to go to school because of the torment they endure, to people who fear they will lose their job at a gas station if somebody finds out whom they love. I feel an obligation to use the status that I have been lucky enough to get to help them. I make a personal appeal to my colleagues, please don't turn your back on them.

We are all big shots here. We have been lucky enough to get elected to the greatest deliberative body in the world, and there is an obligation and a responsibility that comes with the job we have to stick up for people who are being discriminated against because of who they are. The greatest moments of this body have been when we have joined together, Republican and Democrat, to stand against that kind of discrimination.

Our ability to rise to Congressman Frank's challenge—"please, don't turn your back on them"—can be this week, another great chapter in the history of this great body.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. We are on the motion to proceed to S. 815.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak 10 minutes as in morning business.

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

#### THE BUDGET

Ms. MIKULSKI. Mr. President, I come to the floor to speak about how we can avoid another shutdown of our government and also, even more important, avoid another shutdown or slowdown of our economy. That is how we in the Congress, both sides of the aisle, both sides of the dome, need to work to arrive at a budget agreement and then an appropriations agreement for the rest of the fiscal year.

Earlier today on the floor we heard from the distinguished chair of the Budget Committee, the Senator from Washington State, PATTY MURRAY, who talked about the budget and what was going on. I come here today to support her efforts and the work of the budget conferees as they work to reach an agreement on the funding levels that will invest in America's future—creating jobs, repairing infrastructure, keeping us safe in our communities and

making sure our children are well educated for the 21st century.

The budget conference is absolutely important to America's future because it is about how much we should invest in America's future: What should we do in terms of revenue? How do we close corporate loopholes and corporate welfare and also have them step up to their patriotic responsibility? Also, what is the best way to approach the funding for this government?

There is no doubt we need to reduce public debt, but austerity alone is not the answer. We have seen it in Europe where, yes, they have reduced their public debt, but they have not been progrowth. The agenda I stand for—and I know the chair of the Budget Committee does and many of us on both sides of the aisle do—is we not only want to reduce public debt, we also want to reduce unemployment, and we also want to reduce statistics such as crime rates.

We need to be able to work together. My goals for the conference committee that is meeting are simple and straightforward. I would like to see the Budget Committee come up with not only a 1-year framework but a 2-year framework, giving a top-line funding level for 2014 and 2015 and replacing the sequester policy for at least 2 years and do that with increased revenues and strategic cuts—a balanced approach.

Let me say why this is important, because many people do not understand the difference between the Budget Committee and the Appropriations Committee. The Budget Committee looks at the entire budget of the government of the United States of America, money out and money in. It looks at money out in two categories. Discretionary spending, that is the Appropriations Committee; mandatory spending, that is Social Security, that is Medicare, that is veterans benefits. Then the other is revenue in, either through trust fund contributions or through fees or through taxes.

The so-called top line is what discretionary spending is, what they allow for discretionary spending. In the budget it is under an act called section 302(a) of the budget. In order to do my job as the chair of the Appropriations Committee, I need the Budget Committee, with the concurrence of the Congress, to give my counterparts in the House—Congressman ROGERS and NITA LOWEY—and myself and Senator SHELBY, my vice chairman on the other side of the aisle, the so-called top line. Then we work through our 12 subcommittees. This is absolutely crucial because we cannot do discretionary spending for fiscal year 2014 until we hear from the Budget Committee.

We do not want another CR. We do not want another shutdown. We do not want another slowdown. We are ready to go to work. We have already done our due diligence. We have already worked our way through the 12 subcommittees, looking at what public investments should be made and, by the

way, how we can be more frugal, how do we get rid of what is dated, what is duplicative, and what is dysfunctional.

As the chair of the subcommittee, again with Senator SHELBY, the distinguished Senator from Alabama, my vice chairman, we asked the committee to look at what is it we need to spend and what is it we can get rid of. We have done a great job this year. I am very proud of them. By August 1 all of my subcommittees were marked up, but we need to have this agreement. So we say we need to have this agreement and we need to have it sooner rather than later.

In the deal, the Budget Committee is to report out to the Congress, and therefore to the Appropriations Committee, by December 15. My committee and my counterparts in the House are to produce an appropriations omnibus by January 15. I do not want to get lost in words and the weeds. But essentially as it stands now, Congress will only be in session 8 days from December 15 to January 15 because of the holiday. Eight days—it is an awful lot to ask BARBARA MIKULSKI and RICHARD SHELBY and HAROLD ROGERS and NITA LOWEY and our wonderful subcommittees to produce a bill. We will do it if we have to. But we would prefer sooner rather than later.

We believe so strongly about it that my House counterpart, Congressman HAL ROGERS, a distinguished gentleman from Kentucky—and I say gentleman in the true sense of the word: civil, candid, straightforward, courteous. We have talked about issues, the differences in fiscal approach and so on. But we know how to get the job done. Where we differ we know how to resolve the conflicts and we are ready to go.

We have sent a letter to the chair of the Budget Committee on both sides, to Senator MURRAY and to PAUL RYAN, asking that they report to the Congress before the Thanksgiving recess—before the Thanksgiving recess. This was unprecedented. We didn't talk about dollars—that is the Budget Committee. We will take our pot of discretionary money, called the top line, and get it done.

What both the House chairman and I are very worried about is that if we do not act, sequester kicks in January 15. What an awful way to do business in our government. You heard me say our subcommittee chairmen have worked to get rid of what is dated, what is duplicative, and what is dysfunctional. That is not just meant to be an alliterative, clever throwaway line. That was a governing policy, both sides of the aisle, scrutinizing.

I am worried. When I look at defense, funding for defense would be \$54 billion lower than the Senate's version in both defense and military construction. According to the military chiefs, the readiness of our force has been degraded under existing sequesters. Eighty-five percent of Army brigade combat teams will not be fully trained

to deploy. The Navy and our Marine Corps will only have one carrier strike group and one amphibious ready group. They are always going to be *semper fi*, but we have to be *semper fi* too and always faithful to getting the job done. The Air Force will have to cut aircraft and possibly an entire fleet.

This is a dangerous time in the world with numerous threats to our security. We cannot operate our military on the cheap.

Just to give a sense of what furlough meant, over 650,000 national security employees were initially furloughed in defense and intelligence and in other security positions in key government agencies. This is unacceptable. We cannot protect the country and run the government like that.

I chair the commerce, justice subcommittee. That is the committee that funds Federal law enforcement, FBI, drug enforcement, U.S. Marshals, the U.S. attorneys who actually move this, the bureau of alcohol and firearms that keeps us safe from terrorism, catches child predators, prosecutes drug dealers, and gangs.

Think of how the FBI went after the Boston Marathon killers. The CJS bill adds \$2.3 billion above sequester levels to allow Federal law enforcement to do their jobs. U.S. Marshals track down violent fugitives and sex offenders. DEA goes after not only drug dealers but international drug cartels, so it doesn't make it to the playground or to the school room.

The new FBI Director recently announced that if sequester continued, the FBI will have to furlough people up to 10 days over the next year. This is not good. In the long term CR at the sequester level, a continuing resolution will fund—they will keep a hiring freeze of over 3,000 positions. We cannot have the kind of law enforcement we need at those levels.

We have a big job to do. We have to do it sooner rather than later. I ask the support of the Congress for the Budget Committee for them to be able to bring a budget to the floor. Let's try to do it before the Thanksgiving break. Let's look at how we can look at a balanced approach between strategic cuts—and we on the Appropriations Committee are ready to keep on doing the job we started almost 7 years ago under Senator Byrd, our wonderful, most beloved leader of West Virginia, and Senator Inouye and Senator Stevens. We need to keep on doing that, but we need the Budget Committee to do their job.

The impact on national security is significant. The impact on our domestic economy is significant. We need to step to the plate and not only avoid a crisis such as a shutdown, we also have to avoid the crisis of confidence that is occurring in our government: Can they govern? Can they get the job done? Are there significant pragmatists who will look at what is the must-do list we have around spending, of which I think security for our country is at the top of the list. I believe we can do it.

I know the Presiding Officer was part of a bipartisan group during the shutdown to try to find a compromise. That group, I salute them. They changed the tone, showed civility, showed bipartisanship, and I think their initial effort was enough to stimulate and encourage coming to the final resolution that we did. That is the kind of spirit we need in this body.

I would say to my colleagues, let's have the Budget Committee act sooner rather than later. Let's support them in a balanced approach to not only look at austerity but also growth, and that also means closing corporate loopholes.

I welcome the Presiding Officer to the Chair. I think that concludes what I wanted to say today. As we get ready to approach the holidays, I want the American people to have confidence in their government. I want the American people to have confidence in those of us who have been elected.

This is a big election day all over America. I recall this time last year—the reelection of President Obama and the election of the Senator from Massachusetts who is now the Presiding Officer. It was a big day. It was a big deal. Twenty women came to the Senate—a new Democratic woman and the distinguished Senator from the State of Nebraska. When they came, they were filled with excitement and passion to serve the Nation, represent the views of the people of their State, and to get something done, not only to do it with the lowest common denominator but also to be able to work together for the common good and worry about the next generation, not the next election. That is what we did. Let's recall how we felt this time last year. Let's get our act together and press on.

Madam President, I yield the floor.

I was so excited talking about my topic, I forgot to note the absence of a quorum, so I hereby note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### JUDICIAL NOMINATIONS

Mr. BLUMENTHAL. Madam President, in 2005—May of that year—the Senate faced a crisis that seems very familiar and very much like the one we face today in this body. Very simply, the Senate was unable to approve judges, which threatened to incapacitate a coequal branch of our government, the U.S. judiciary, and it confronted the threat of what came to be called the nuclear option, a change in the rules that would have wrecked the collegiality and civility that have characterized this body.

Members of both parties recognized that the situation was untenable, and they recognized as well that the American court system was too important



for the Senate to simply stop approving judges and suspend that very important constitutional responsibility on behalf of this body.

At the time, 14 Senators came together to find a solution. They came to be known as the Gang of 14—7 Republicans and 7 Democrats. I want to read their names for the record because I think their conduct characterized what is really perhaps best about this institution. They were Senators Robert Byrd of West Virginia, Lincoln Chafee of Rhode Island, SUSAN COLLINS of Maine, Mike DeWine of Ohio, LINDSEY GRAHAM of South Carolina, Daniel Inouye of Hawaii, MARY LANDRIEU of Louisiana, Joseph Lieberman of Connecticut, JOHN MCCAIN of Arizona, Ben Nelson of Nebraska, MARK PRYOR of Arkansas, Ken Salazar of Colorado, Olympia Snowe of Maine, and John Warner of Virginia.

What they devised was a quite simple solution. They were grappling with the same question that confronts us now: What can justify a Member of the U.S. Senate voting to block consideration—in other words, to filibuster a nominee to the judicial branch? Their idea, simple as it was, had tremendous power. They agreed they would oppose a judicial nominee only in “extraordinary circumstances.” That was the gist of the agreement. There were other features to it, but their spirit and intent in this short phrase had profoundly meaningful impact. In fact, for the remainder of the Bush Presidency, there were no more filibusters on judicial nominees, and those Senators, with that short phrase, accomplished a historic impact.

What did they mean by it? One of them said at the time:

Ideological attacks are not an “extraordinary circumstance.” It would have to be a character problem, an ethics problem, some allegations about the qualifications of a person, not an ideological bent.

An ethics problem, a character problem, some allegations about the qualifications of a person.

Today, I ask for a renewed and revived commitment to the spirit of that agreement, a reinvigorated effort to apply that standard, and offer to work with my colleagues to revive that spirit of opposing a nominee and blocking that individual only in an extraordinary circumstance.

I come to the floor today because we have heard objections to a number of nominees on the basis of claims that clearly cannot constitute an extraordinary circumstance. Opposed through that 60-vote threshold filibuster just last week were a couple of nominees who clearly have the qualifications to serve on the Court of Appeals for the District of Columbia Circuit.

I rise in support today of another: Cornelia Pillard. Whatever has been said about this process, we have heard no extraordinary circumstance to oppose any of these nominees and certainly not Ms. Pillard. Senators can always disagree about exactly what our

courts should do and how we should divide and allocate resources, and the claim has been made here that the reason to oppose those nominees is that there is insufficient workload to justify them. The fact is this Congress has approved the positions that are vacant and they have been nominated to fill.

I know a lot of my colleagues have opinions on how to structure the courts and what the workloads should be, but I would assume these differences of opinion do not amount to extraordinary circumstances. They happen all the time. We debate what the workloads of the courts should be, and certainly the job of this Senate and of every Senator is to advise and consent on judicial nominations. If we refuse to consider the qualifications of a nominee and if we make the judgment based on irrelevant considerations, we are failing to advise and consent. We can debate about the structure and workload and number of cases before a court, but they are not extraordinary circumstances.

The fact is that the workload of this court well justifies these nominations. In fact, it has grown in number since nominees were last approved. The waiting time for decisions on cases makes it eighth out of 12 circuit courts. The cases themselves cannot be judged only by the numbers, by the sheer volume of the caseload; the Senate, in my view, has to look also to the complexity and difficulty of the cases.

I have argued before this circuit court and I participated in cases such as the Microsoft appeal, which took months—in fact, years—to resolve from start to finish and involved precedent-setting issues and decisions by the circuit court and literally hours of argument. So the argument about workload and about the need to fill or leave vacant, as the opponents say, those vacancies is incorrect and wrong.

Agreeing with me are the Judicial Conference and a majority of their colleagues, who also say the vacancies should be filled, as do judges from across the political spectrum and appointees of a lot of different Presidents.

But the point is that disagreement or even the claim that the workload does not justify it is not an extraordinary circumstance, and that ought to be the standard, consistent with the Gang of 14's agreement.

I happen to believe Cornelia Pillard is almost the ideal nominee. If you were to design someone to sit on the court—if you had that ability—on the basis of record and talent and temperament, I do not think you could do much better.

The DC court is said to be the second highest court in the country. I think they are all the second highest court. I do not think any one of them is better than the others.

But what we want is an individual in each of these judgeships who is worthy of the immense responsibility because for most litigants the circuit court is the last stop on the litigation course.

Nina Pillard brings to this nomination not only brilliance in an academic sense but a variety of experiences and a record of thoughtful engagement with diverse views and a dedication to excellence and to public service. She has spent time in the classroom as well as the courtroom, and she is a civil rights hero as well as a public servant and an expert on the judicial system. In other words, if you had to design someone with a record and experience that is ideal for this court or any of the other circuit courts, you would pick Nina Pillard.

Now, I am going to come back to the floor. I am going to speak about her, I am going to speak about this court, I am going to speak about the Gang of 14, and I am going to speak about what should justify blocking a nominee of the President of the United States to serve in the courts. But for now let me just say about her that I hope my colleagues will see her qualifications, listen to her story, and listen to the better angels of their nature.

The present situation cannot stand. If we continue on the present course, we will arrive at the same juncture that existed in May of 2005 when the Gang of 14 helped to save the Senate from a crisis. It would have been a crisis for the collegiality and civility of this institution. It would have also been a crisis for the country. I hope we can again avoid it if we permit this process to move forward and recognize there is no extraordinary circumstance for any of these nominees that should block their approval by the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I request permission to speak as in morning business.

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

#### AFFORDABLE CARE ACT

Ms. MURKOWSKI. Madam President, this morning in the HELP Committee we had an opportunity to hear from the administrator of the health exchanges, Ms. Tavenner, who came before the committee to talk about where we are in the process now with the exchanges that have been set up through the Affordable Care Act. It was an opportunity, in the 5 minutes we have allocated to each of us, to pose questions and to speak to the situation in Alaska as it relates to the exchanges.

I come to the floor this afternoon because there was so much that I as one Senator had to say that you cannot possibly condense into a 5-minute exchange. But it did cause me to want to take a moment to speak about what is happening on the ground in the State of Alaska.

I think it is probably not an unfair assessment to say that most of the constituents I am hearing from are not supportive of the Affordable Care Act and have been very skeptical about what benefits may come to our State.

We are a high-cost State—high cost when it comes to health care and high

cost when it comes to our insurance premiums. Right now we are No. 2 in the Nation in terms of the premiums that Alaskans pay. So as much as Alaskans might not like the Affordable Care Act, I hear very clearly their expressions of concern about making sure we are working actively and aggressively to reduce the cost of health care, to increase access to providers, and to increase access to insurance that is affordable.

But affordability is such a key factor in what we face. I had a chance to query Ms. Tavenner about the situation we are seeing in the State of Alaska right now with regard to enrollments within the exchange. The State of Alaska has opted not to have its own State exchange. They are part of the Federal exchange, an organization called Enroll Alaska which was established to provide for outreach, education, and enrollment of Alaskans into the federally facilitated marketplace.

I met with a representative from Enroll Alaska about 10 days or so ago. It was October 27, I believe. At that point in time, I was informed that there was one Alaskan who had been successfully enrolled. I met with the Alaska Native Tribal Health Consortium, United Way, and Enroll Alaska. They confirmed that no one had been successfully enrolled at that point in time.

Moving forward to yesterday. As of yesterday, it has been confirmed that Enroll Alaska, the entity that has been set up specifically to advance enrollment within the exchanges, has been able to enroll just three individuals and has not been able to confirm that anyone else in the State has been successfully enrolled. So as folks are talking in different parts of the country about what is happening, they are using numbers: several thousand, several hundred initially. But it has been not only surprisingly slow, astonishingly slow, to the point where people are saying: Is it even open?

Let me suggest that in Alaska things are not open right now. Enroll Alaska made a determination last week that—they had discovered that the FFM, the federally facilitated marketplace, was calculating the subsidy for Alaskans incorrectly, so due to this they suspended all their enrollments until this issue was resolved.

I brought this up with the Administrator in committee this morning. She acknowledged that, in fact, they had learned that perhaps the calculation was incorrect and that they were “working on it.” Well, in the meantime, you have folks who are interested in signing up, wanting to avail themselves of the Affordable Care Act, or one of the 5,600 who received a letter on Friday telling them that their insurance with Premera was going to be canceled at year end and being told: Well, you can, in fact, sign up for what Premera is going to offer. But in looking at this, they are learning that not only are their premiums going to in-

crease, but in many cases they may double and the deductible will increase.

So they want to know: Am I going to get a better deal on the exchange? Our problem is not being able to access, to utilize, to gain the information, when the entity that has been set up to help facilitate this says they have suspended all enrollments until this issue is resolved, and further going into their letter that was received last week, they say: We asked for the Obama administration to pull the Web site down, rebuild it, and redeploy it.

Again, these are entities that are banking on the exchanges to work. They want to help facilitate it. Things are so confused and complicated and, quite honestly, a mess with the exchange up north that they are saying: We are not going to push further if we are not certain that the subsidy is being calculated correctly. It is not right to tell people that you can sign up in the State of Alaska right now.

So the exchanges, we recognize, are a mess. They need to be addressed. I think we have recognized that at some point in time they will be addressed, they will be corrected. The Administrator has indicated that between 1 a.m. and 5 a.m. eastern standard time the exchanges are going to be down so they can work on them, so they can be addressing these software glitches.

Well, 1 a.m. to 5 a.m. eastern standard time, for those of us who are living on the west coast, is about the time when the dinner dishes are done, the kids' homework is done, they are in bed, you can actually sit down at your computer and go on line and try to figure out what might be the best option for you on an exchange. But we are being told that the exchange is going to be down between the time that most Alaskans, and certainly Hawaiians, who are a 5 hour time difference instead of just the 4 hours Alaskans are, are not even going to be able to go on line to address it there.

That is one aspect of where we are with the exchanges and what that is going to mean if we are still going to continue with the deadlines that have been put in place by the administration in terms of when you have to sign up by, and when you may be assessed a fine or a penalty for failure to successfully enroll.

I mentioned that on Friday there were some 5,600 Alaskans who actually—excuse me, 5,360 Alaskans who received discontinuation notices from Premera. Premera is the largest health insurer in Alaska. This represents about 60 percent of the folks whom Premera insures within the State in terms of its individual members. So when you think about these folks who have now received their letters this weekend, recognize that the policies they have had for a period of time are not going to be available to them, they read in the news and they see on the evening news that the ability to get on line and to better understand what is going on with the exchange is not

available to them because the exchanges are down while they are working on them here in Washington, DC, or wherever they are working on them, and that the entities, the navigator, the Enroll Alaska, those who have been put out there to help them navigate this process, are effectively saying: We cannot enroll you right now and we will not until there is a greater assurance that the system is up and running and working.

The Administrator has confirmed to us today that, well, we are working on it. But in the meantime, we still have these deadlines that folks are facing. The emails that have been coming to my office of late, though, have not been concerned with the exchanges themselves. What we have seen in the past few weeks has been a concern, an outcry, about what people will be expected to pay for their insurance once all aspects of the Affordable Care Act come into play. I mentioned already that Alaska faces the second highest premiums in the country. We are high for a lot of things, though. Our energy costs are some of the highest in the Nation. Our transportation costs are some of the highest in the Nation. Our food costs are some of the highest in the Nation. Our health care costs are some of the highest in the Nation. Now our premiums are going to be some of the highest in the Nation.

But we recognize that to live in Alaska—it is expensive. So when you look at the average wages of an Alaskan, they are a little bit higher than you might see in other parts of the country. That is a good thing. That is going to help you pay for your transportation, for your fuel, for your food. But when we are talking about any level of subsidy, this is a concern we are seeing around the State. The higher income levels are going to kick you out of being eligible for any level of subsidy. So we have got Alaskans who are trying to be diligent about their health care and the insurance, wanting to be able to provide for their family. They are trying to figure out: Well, where do I go?

I have got a letter here from a gentleman in Fairbanks. He runs a small knife and tool shop there. He has indicated that he was on Premera. He got the notice that they were not going to continue his coverage. The new policy with them, the least expensive he could get, was going to cost \$1,260, up from \$575. This is over a 60-percent increase he is going to experience. On top of that, his deductible is also going up from \$5,000 to \$6,000, an increase of about \$2,700.

We got an e-mail from a woman who is in the 55-and-above age bracket, she said. She says: We make a decent income, so we will not be eligible for the subsidies. We have looked at this. But she said they are going to be seeing premiums of over \$1,500 a month. She says: This is more than our mortgage. This is like taking on a second mortgage. And also in her situation, she

says: My deductible has gone from \$5,000 to \$6,300. So deductibles are going up, premiums are escalating.

This woman said: You know, am I going to be in a situation where it is just going to be cheaper for me to pay the fine?

So I started going back through the binder I have utilized to collect the emails from Alaskans over the past few weeks here. A woman in Anchorage says her rates are going to increase 23 percent from last year. A woman from Talkeetna says: It is an increase of 47 percent with 1 fewer member in the family insured, a \$10,000 deductible. But she is going up by 47 percent.

Out in Wasilla, this woman has indicated: I calculated we are expected to have an increased monthly premium of 224 percent. Our premiums will be exceeding our mortgage by more than \$300 a month.

William in Anchorage says his health insurance has gone up 115 percent. Out in Anchorage, a woman is facing an increase in premiums of 45 percent. Again, she has indicated that she has been informed she is not going to be eligible for any level of subsidy.

The gentleman in this email, Anthony, out of Valdez, has said he is looking at an 85-percent increase in his premium, and that is just over the past 4 months when he started out. He is a single guy. He is 41 years old. He says: I am healthy. I have got money in my health savings account. But he has got a situation where he is going to be paying an 85-percent increase in his medical insurance premiums.

I go through these. These are not statistics. These are addressed to—I know this is not about you, LISA MURKOWSKI, but about representation for the people of Alaska.

Address this. They are asking me to help them out because they can't afford the Affordable Care Act.

I go through each of these, the folks in Petersburg, such as the 25-year-old male, nonsmoker, who had a \$10,000 deductible. He was paying \$102 per month. Now he will have to pay \$281 with a \$6,300 deductible; a 35-year-old male, nonsmoker, paying \$159 per month now has to pay \$340; a 63-year-old male, nonsmoker, paying \$525 per month, as of January paying \$827. We go through these stories. These stories are people we represent, whether it is Tom or Wenda or Teresa or Chris or Mark, they are saying I thought what was coming our way with health care reform was reform that was going to increase my access and decrease my costs.

Frustration with the Web site is one thing, and I am hopeful we will get on the other side of that very soon. The people of Alaska are done holding their breath on this. They are basically saying call me when you have it fixed.

What they are concerned about is they are going to get that call, we will be up against the end of the year, and they have already received their notices saying: We are not going to con-

tinue this coverage. They are worried about what happens if we do have a family medical emergency in early January and this all hasn't knitted together. I didn't get a very satisfactory answer from the Administrator this afternoon in response to that question.

I want to be able to have the right answers for these people, but I am extraordinarily concerned that as we address the issues with the Web site, the issues that the people in Alaska, who already face some of the highest costs for living in the nation, are going to be seeing increased insurance costs that will be out of their range, out of their ability to pay. The subsidies that would make a difference are not available to them.

We have a great deal of work to do in this Congress to address health care reform. Alaskans are asking what are we going to do to address the concerns in my family when I am trying to figure out how I knit it all together. They want to know how have we reformed health care. How have we made our costs lower and increased our access?

I suggest we have much more work to do. I stand ready to work with my colleagues on both sides of the aisle, and in the other body. We can fight and argue about whether the Web site and the exchanges are going to work or are going to fail on their own or whether we need to push deadlines out. This is only a part of what we are talking about.

We have to do a better job when it comes to reining in the cost of health care itself, and how we deal with the delivery system. We haven't addressed these issues or how we deal with rural markets, such as Alaska because we don't have a very attractive market—it certainly would help us if we could purchase our insurance across State lines—and how we work to make sure that when we have payment structures, the incentives are in the right place so we are encouraging efficiencies in our healthcare system.

I encourage us to not lose sight of what we have to do in resolving our issues to bring down the cost of health care.

I note that my colleague from Tennessee is on floor. I thank him for his leadership as the ranking member on the HELP Committee and the very thoughtful issues he raised this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Alaska for her excellent remarks. I was pleased I was able to hear them. The Senator from Alaska and the Senator from Massachusetts were at the hearing this morning when the head of the Centers for Medicare and Medicaid Services talked about the health care law.

I thought the Senator from Alaska was especially cogent in pointing out the difficulties and the differences between those who live in Alaska and

their inability to connect to the services in the new health care law. If I remember correctly, she said only three had been able to enroll and she pointed out the differences in time.

I wish to spend a few minutes reflecting on what happened this morning and what I said to Ms. Tavenner, the administration's witness. I began by telling her a story, a story about 16,000 Tennesseans who have insurance through something called CoverTN, a low-cost, narrow coverage State program. ObamaCare is canceling their policies, those 16,000 policies. CoverTN apparently is an example of what the President has called "bad apples," an insurance plan that Washington has decided isn't good enough for you.

I recently heard from one of those Tennesseans whose policy will be cancelled on January 1. Her name is Emilie, and she is 39 years of age. She has lupus and lives in Middle Tennessee. She told me:

I cannot keep my current plan because it does not meet the standards of coverage. This alone is a travesty. CoverTN has been a lifeline. . . . With the discontinuation of CoverTN, I am being forced to purchase a plan through the Exchange. . . . My insurance premiums alone will increase a staggering 410%. My out of pocket expense will increase by more than \$6,000.00 a year [including subsidies]. Please help me understand how this is "affordable."

Our health care system makes up nearly 20 percent of our economy, touching the lives of every American. Today ObamaCare is pushing that 20 percent of our economy in the wrong direction.

As the President has said, this law is more than a Web site that will not work. It is a law transforming our health care system in the wrong direction by increasing premiums, canceling insurance plans, destroying patient relationships with doctors, raising taxes, forcing people into Medicaid, spending \$500 billion Medicare dollars on a new program instead of using the money to make Medicare more solvent, encouraging employers to reduce their employees to a 30-hour work week, and having the IRS fine Americans for failing to sign up for insurance on a Web site that doesn't work.

The President has promised—at this morning's hearing I read from an iPad on the White House Web site. The President's Web site says: "If you like your plan you can keep it and you don't have to change a thing due to the health care law."

It says, "If you like your plan, you can keep it, and you don't have to change a thing due to the health care law."

In fact, the law cancels millions of individual policies. For millions of others, employers are dropping insurance programs as they discover the added costs of ObamaCare. For these Americans, the new promise is if you want health care, go find it on a Web site that the administration says will not be working properly until the end of November. That is an unwelcome

Christmas present, to have only 2 weeks to shop for and buy a new insurance policy by December 15 so people are covered next year when ObamaCare outlaws their policies.

This administration had 3½ years to set up the Web site. Millions of Americans will have 2 weeks to buy their insurance.

The President put Secretary Sebelius in charge of implementing this law. I have called on her to resign because this has hurt so many Americans.

Before the Internet, RCA could tell us every day how many records Elvis was selling. Ford could tell us every day how many cars they were selling. McDonald's would tell us every day how many hamburgers it sold. Congressman ISSA has put on his committee's Web site notes from meetings at an Obama administration war room where apparently they are telling each other how many people are enrolling in health care.

I asked Ms. Tavenner this morning if she knew how many people are enrolling, how many have tried, what level of insurance they are buying, and in what ZIP Code they live. Why don't you tell us? Why don't you tell Congress? Why don't you tell the American people?

She said she would tell us by the end of the month—but we need to know every day. We need to know every week at least. Governors need to know. As they make decisions about expanding Medicaid, wouldn't it help to know how many of these new enrollees are going into Medicaid?

Members of Congress need to know. We have appropriated at least \$400 million for this Web site that doesn't work. The American people need to know. They might gain confidence in the system if they could see that every day more people were signing up for this or that.

I can't get over the fact that we are not being told how many are enrolled, how many trying, what kind of insurance they are buying, where they live. We have a right to know that.

Why doesn't the administration tell us that? One Senator has described the new health care law as an approaching train wreck. I know something about trains.

My grandfather was a railroad engineer in Newton, KS, when I was a little boy. I was sure he was probably the most important person in the world sitting in that big locomotive. His job was to drive a steam engine locomotive onto what they called a round table, turn the train around and head it in the right direction. That was the only way you could turn something that big that fast.

That is what our country needs to do. We need to turn this train around. We need to turn this law around and head it in the right direction.

ObamaCare is the wrong direction because it expands a health care delivery system that we already knew cost too much.

What is the right direction? The right direction is more choices and

more competition that lowers costs so more Americans can afford to buy insurance.

Don't expect Republicans to show up on this Senate floor with our 3,000-page plan to move the health care delivery system in the way we think it ought to go. We don't believe in that approach. We are policy skeptics, one might say. We don't believe these big comprehensive plans are wise enough to do what needs to be done. Instead, we believe we should change our health care delivery system step-by-step.

I remember during the health care debate in 2010 I counted the number of times Republicans spoke on the floor about our step-by-step plan to take the health care delivery system in a different direction—173 times just during 2010.

These are some of the steps we suggested and still do suggest that we should take to turn the train around and head it in the right direction:

Make Medicare solvent. The trustees have said that in 13 years it will not have enough money to pay hospital bills. I know plenty of Tennesseans who are counting on Medicare to pay their hospital bills.

Reform Traditional Medicare to compete on a level playing field with Medicare Advantage. That would provide competition and more choices for seniors. The Congressional Budget Office says it would save taxpayers money.

Make Medicaid flexible. When I was Governor of Tennessee in the 1980s, Medicaid was 8 percent of the State budget. Today it is 26 percent. As a result, Democratic and Republican Governors of Tennessee have been told by Washington to spend money on Medicaid that they instead would rather spend on higher education.

Make Medicaid more flexible. Perhaps we can cover more people and set our own priorities.

Encourage employee wellness incentives. We talk a good game in the Senate about that, but the administration's regulation actually limits the ability of employers to say to employees if you have a healthy lifestyle, your insurance will be cheaper. We should repeal that regulation and make it easier for employers to encourage that kind of behavior, and offer cheaper insurance.

Allow small businesses to pool their resources and offer insurance together. We call that small business health plans.

All of these steps, by the way, are in legislative form. They are bills we have introduced. They are steps we could take today if we had enough votes to pass them, turning the train around and heading it in a different direction.

Buy insurance across State lines. If Americans could look on the Internet and buy insurance across State lines that suited their needs, perhaps more Americans could afford insurance. Isn't that what we want to do? Change the 30-hour workweek to 40 hours. Both Democrats and Republicans support

this idea. I am not sure where it ever came from, but it is one of the worst features of ObamaCare. It creates a big incentive to cause businesses to reduce the number of working hours from 40 to 30 so their employees will be part-time and the business won't be affected by the ObamaCare rule. That creates consternation within business, and it doesn't create good relations between the employer and the employee. Think about the employee. Think about the pay cut from 40 hours to 30 hours. Think about the employee going out to find another part-time job at, say, another restaurant. Why not give these employees a 33 percent pay increase? That would be a pretty good way to get up above the so-called minimum wage and give businesses a chance to have full-time employees again.

So these are all steps that would change the health care delivery system by changing its direction away from expanding a health care system that we know already costs too much and sending it in the direction of choice and competition and finding ways to lower the cost of health care plans so more Americans can afford to buy insurance.

The 39-year-old Tennessee woman whom I talked about this morning to Ms. Tavenner, the woman named Emilie who is losing insurance because ObamaCare has decided that her plan isn't good enough for her, finished her story with these words:

This is one of the biggest betrayals our government has ever been committed on its citizens. I beg of you to continue to fight for those, like me, who would only ask to be allowed to continue to have what we already enjoy. A fair health insurance plan at a fair price. Please find a way to return to affordable health care.

One good way to do that is to put the President's words into law: "If you like your health plan, you can keep it." Senator JOHNSON of Wisconsin has offered that legislation. I have cosponsored it, as have others.

My message to Emilie is that I am going to do my best to turn this train around and head our health care delivery system in the right direction so that she can buy and keep health care insurance that she can afford.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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