on behalf of defending this Nation and the men and women who serve it.

I yield the floor.

Mr. LEVIN. I thank the Senator from Arizona for everything he has been doing for so many decades for this country, including our committee. It is invaluable. We are going to get this bill passed. That is our determination.

It will be a shock to every American if we are unable to pass the Defense authorization bill. It will be totally intolerable. I know Senator INHOFE and I will help Senator MCCAIN and others get this bill done this year.

I yield the floor.

Mr. INHOFE. One last comment I wish to make is people listen to us speak on the floor and do not understand the full impact. I carry this card with me. The very top military person in the country, the Chairman of the Joint Chiefs of Staff, General Dempsey, told our committee: We are putting our military on a path where the force is so degraded and so unready that it would be immoral to use force.

He is the No. 1 Chief. The No. 2 Chief is Admiral Winnefeld, who stated that ''there could be for the first time in my career instances where we may be asked to respond to a crisis and we will have to say that we cannot.''

We can't correct all of that with this bill, but we can keep it from getting worse and get back and do what we have done over the last 52 years and pass the NDAA bill.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided and controlled in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know we are not voting on this nomination today. I think it will be tomorrow. But I do not think there will be time to make remarks tomorrow, so I am expressing not only my opposition to the nominee being confirmed but also the bigger issue of whether or not there should even be any additional judges put on the DC Circuit.

Approximately 6 months ago, on June 4, 2013, the President simultaneously nominated three people for the DC Circuit. Everyone knew then, just as they know now, that these judges are not needed. The DC Circuit has the lowest caseload in the country by far, based on the standards that the Democrats established just a few years ago when a Republican was in the White House. In fact, the caseload on the DC Circuit is so low that on April 10, 2013, approximately 2 months prior to these nominations, I introduced legislation together with every Republican member of the committee to eliminate one seat of the DC Circuit and move two others to different circuits where they had bigger caseloads and needed additional help. That would be the sensible way to address this issue. Don't spend $1 million in taxpayers' money, per year, per judge, on judgeships that are not needed.

That is common sense, especially when the judges currently on the court say—and I quote one of them—in a letter:

> If any more judges were added now there wouldn't be enough work to go around.

Don't waste $3 million a year. Instead, simply move the seats to where they are needed, where there is a much bigger caseload. That would be the sensible and the good government approach.

But being sensible and good stewards of taxpayer dollars is not what the other side had in mind when they hatched this scheme. Far from it. No, the administration's move here was clear from the very beginning. They knew they could not pass their liberal agenda through a divided Congress. The American people had already rejected that agenda at the ballot box. But the administration still runs the Federal agencies, and through the agencies the administration can ignore the will of the American people and continue to pursue a job-killing agenda.

It doesn't matter that the American people do not want their government to pass cap-and-trade fee increases. The administration will simply force it upon the American people anyway through the Environmental Protection Agency.

It doesn't matter that the employer mandate penalty under ObamaCare does not apply to the 34 States that have not created insurance exchanges. The administration forced the employer mandate upon the American people anyway through an IRS regulation.

This has been the plan of the administration. It cannot get its liberal agenda through the Congress, but it has saddled the American people with its job-crushing agenda anyway through agency regulation.

But there is a catch to this scheme, a very big catch. Agency decisions are reviewed by the Federal judiciary. That happens to be our very independent third branch of government. So for this scheme to work, the White House needed to stack the DC Circuit with judges who were rubberstamps for its agenda.

As a result, the administration decided to ram their agenda through the agencies and simultaneously stack the DC Circuit with judges they believe would rubberstamp that agenda. That is why, on the very same day the President made these three nominations, I said:

> It's hard to imagine the rationale for nominating three judges at once for this court given the many vacant emergency seats across the country, unless your goal is to pack the court to advance a certain policy agenda.

During the last few months we have debated this issue, and throughout the debate the other side has tried their best to obscure the objective. They have manipulated caseload statistics in an effort to deny the obvious: Judges are not needed and will not have enough work to go around as is.

They twisted the words of the administrative office of the U.S. Courts. They claimed that the Chief Justice of the United States believes these judgeships are needed, when of course statistics show that is not remotely close to being true. They even stooped so low as to accuse Republicans of gender bias. But no matter how the other side manipulated the data or tried to conceal their agenda, they could not overcome the simple and basic facts everyone knew to be true; that is, that under the standard established by the Democrats under the Bush administration, these judgeships are not needed and should not be confirmed.

As a result, when the Senate considered these nominations, it denied consent. The other side lost the debate. Under normal circumstances, that would have been the end of this matter but not this time. This time there is a Democrat in the White House, not a Bush in the White House, and a Republican minority in the Senate.

The caseload statistics that carried the day in 2006 when we had a Republican majority in this body no longer matter to today's Democratic majority. This time apparently there are only three Members of the majority who care more for the Senate as an institution than they do for their party or short-term political gain. Of course, the biggest difference is that this time what is at stake is a radical agenda and the other side's effort to remove any meaningful check and balance on that agenda.

In short, it is ObamaCare. In short, it is climate change regulation, and the method for doing it is Presidential rule by fiat. The other side decided they were no longer willing to play by the rules they established and pioneered in 2006 when we had a Republican President and a Republican majority in the

Senate. They lost the debate, so a couple weeks ago they changed the rules of the game in the middle of the fourth quarter. They triggered the so-called nuclear option because salvaging ObamaCare and insulating cap-and-trade fee increases from meaningful judicial review were just two important ideological battles that this administration wanted to get done one way or the other.

But, as I said, the end game for this scheme has been clear ever since it was formulated. So I wasn't surprised to read media accounts confirming the reasons the Democrats broke the Senate rules in order to get these nominees confirmed.

For instance, on November 23, The Hill newspaper ran an article with this headline: ''Filibuster change clears path for Obama climate regs crackdown.'' The Hill newspaper had this to say:

Green groups might be the biggest winners from Senate Democrats' decision to gut the minority party's filibuster rights on nominations. Their top priority—President Obama's second-term changes on climate change—is likely to have a better shot at surviving challenges once Obama's nominees are confirmed for the crucial U.S. Court of Appeals for the District of Columbia.

The Washington Post wrote:

Democrats say the shift in the court will be especially important given that Obama's legislative proposals have little chance to prevail in the GOP controlled House. . . . The most contentious issues likely to face the appeals court are climate change regulations being pursued by the EPA. . . . The measures represent Obama's most ambitious effort to combat climate change in his second term—coal-fired power plants are a key source of emissions—at a time when such proposals have no chance of passage in Congress.

The same Washington Post article acknowledged the importance of removing the judicial check on ObamaCare.

The court is expected to hear a series of other legal challenges as well, including lawsuits related to elements of the Affordable Care Act, the Consumer Financial Protection Bureau and new air-quality standards.

Here is how one liberal environmental media outlet described the change:

When the Senate Democrats blew up the filibuster Thursday, they didn't just rewrite some rules. They struck a mortal blow to a tradition that has blockaded effective action on climate change.

According to media reports, it was these same liberal interest groups that pressured the majority leader to break the rules in order to change the rules. According to The Hill newspaper:

[The] Sierra Club was part of a coalition of liberal groups and unions that pressured Senate Majority Leader HARRY REID to limit the use of the filibuster through a majority vote.

So if there was any doubt whatsoever about why the other side took such drastic action—changing the very historic process of the Senate—there should not be any doubt any longer. The other side could no longer stand up to the more extreme wing of their party. Under pressure from those interest groups, the other side willy-nilly tossed aside some 225 years of Senate history and tradition.

What is more, by joining the majority leader and voting to break the rules, every Senator who did so empowered the President to install judges whose appointments are specifically designed to rubberstamp the President's regulatory agenda. No one is going to be able to hide from this vote. Not only is this a power grab, it is much more than that. It is the erosion of a constitutional principle which has been established since 1787—and stated very clearly in the Federalist Papers—why the separation of powers is so important to our government. It was to make sure that no one person has all the power. The White House is so committed to a policy agenda that the American people don't want that it coopted the majority of the Senate in its scheme to remove a meaningful judicial check on the executive branch of government and their agenda.

This is about a White House trying to rig the game so it can impose its cap-and-trade fee increases on the American people even though the American people don't support it. This is about a last-ditch effort to salvage ObamaCare and regulations, such as the IRS rule imposing the employer mandate penalty in 34 States, which is in direct conflict with the statute. How will they do it? By installing judges the White House believes will rubberstamp their edict.

I urge my colleagues to stand up to this White House, stand up to the radical liberal interest groups. Don't cast your vote for cap-and-trade fee increases and for judges that will rubberstamp that and don't cast another vote for ObamaCare. Instead, vote against this nomination. It is not needed.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of the nomination of Patricia Millett to serve on the D.C. Circuit, the second most important court in the nation. Ms. Millett, who is currently in private practice, is recognized as one of the leading appellate lawyers in the country. She has argued 32 cases before the Supreme Court and dozens more in other appellate courts.

Ms. Millett served in the Solicitor General's office under both Democratic and Republican presidents. Seven former Solicitors General including prominent Republicans Paul Clement, Ted Olson and Ken Starr—sent a letter in support of Ms. Millett saying she ''has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.''

At her hearing before the Senate Judiciary Committee, no Senator questioned Ms. Millett's qualifications or fitness for the Federal bench. She is simply an outstanding nominee. Ms. Millett is also a proud product of Illinois. She grew up in Marine, a small town in the southern part of the state. Her mother was a nurse and her father was a history professor at Southern Illinois University—Edwardsville.

Ms. Millett graduated summa cum laude from the University of Illinois and magna cum laude from Harvard Law School. She clerked for 2 years for Judge Thomas Tang on the Ninth Circuit Court of Appeals.

She is part of a military family. Her husband Robert King served in the Navy and was deployed as part of Operation Iraqi Freedom.

Ms. Millett also comes highly recommended by distinguished members of the Illinois legal community.

I received a letter from Patrick Fitzgerald, the former U.S. Attorney for the Northern District of Illinois, expressing ''strong support'' for Ms. Millett's nomination and urging ''prompt consideration of her candidacy on the merits.''

I also received a letter from 28 prominent attorneys including former Illinois Governor James Thompson, a Republican, and current Illinois State Bar Association president Paula Holderman.

They expressed their strong support for Ms. Millett, saying that ''she embodies the evenhandedness, impartiality, and objectivity required for the federal judiciary, as evidenced by her more than 10 years of service in the Solicitor General's office in both the Clinton and Bush Administrations.''

The bottom line is that Ms. Millett is an outstanding nominee with broad support from across the ideological spectrum. There is no question that she is well-qualified to serve on the bench, and she will serve with distinction.

I urge my colleagues to support her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

EXTENSION OF MORNING BUSINESS

Mr. NELSON. Mr. President, there are some good things that are going on, and I wish to talk about that.

First, I ask unanimous consent that the Senate be in a period of morning business until 6:15 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

THE GOOD NEWS

Mr. NELSON. Mr. President, there are some tough times around here, but I usually look for the good news. There is good news. Would anyone have believed 6 months ago that most of the chemical weapons in Syria would be dismantled at this point? In our wildest expectations we could not have expected that. But for the technicalities and specifics of the inspection,