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 co-opted 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,

that clearly appears to have occurred or is well on its way to occurring.

We have had 43 straight months of private sector job growth in the economy. When Bear Stearns and Lehman Brothers went down, we were in a financial death spiral. Little by little we are coming out of it. Of course, the news just announced last Friday on the jobs report gives another indication that the economy is beginning to take hold, and we see that in the confidence that is being expressed. We see that in the real estate market, and we certainly see that in the financial markets in New York.

Let me give you another piece of good news that most people would not think about. There has been the discovery of a former Martian lake. As we reach out into the cosmos to try to find any indication of life, scientists are now thinking that this Martian lake might have harbored life billions of years ago—about the time some of the scientists suggest that small microcosm of life might have started on this planet. If this proves out, we are going to Mars not just with robots. Eventually, in the 2030s, we will go with humans, and when we get there, we will find out if that is true. If it is true, was there life that developed? If there was life that developed, was it civilized? If it was civilized, what happened and what can we learn from that that might help us as a civilized life? So I see good signs.

I see the good signs of Senator Kerry as our Secretary of State and what he is doing in trying to bring the parties together in the Middle East. So instead of everything being doom and gloom, I see good things.

EXTENDING THE UNDETECTABLE FIREARMS ACT OF 1988

Mr. NELSON. Senator SCHUMER and I are here for another reason. We don't want to make a mistake. For some number of years, there has been on the books a law which will expire at midnight tonight that has protected us from weapons going through detectors that are not made of metal which the detectors can't detect. Of course, not only are we talking about government buildings and other secure facilities, but clearly we are talking about airports as well.

So now computer technology has advanced to the point, ever since we had that old law, that a person can actually, with a computer, through 3D processing, laying down plastic layer upon plastic layer, create a weapon that cannot be detected with most of the detectors we have today. That old law needs to be updated, but apparently there are those who do not want it updated. So, as a last gasp, we are appealing to the Senate, before the stroke of midnight tonight when this law will be erased, to continue the old law that will at least go after the plastic-type weapons, plastic guns, of which their manufacture—it is required that they have some part of metal in them in order to detect them. But the technology has surpassed that. They can now manufacture them with 3D printing to have no metal parts and they will still shoot a bullet. That is what we are going to have to update. So with the simple click of a mouse, things are changed and it makes it practically invisible to metal detectors and other screening devices.

I thank the senior Senator from New York, who has taken the lead on this issue. He has recognized this problem. He has asked me to join him.

The House of Representatives last week passed similar legislation to not do what we ought to do to update the law but to continue the current ban on such weapons for another 10 years. They obviously pose a very serious threat to our national security as well as to Americans' personal security, and we need to do everything we can to keep them out of the hands of people who want to do harm to others.

Mr. President, I am looking forward to the comments of the senior Senator from New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I would like to wait for Senator GRASSLEY—here he is. I will speak for a minute and then propound my unanimous consent request, and then Senator GRASSLEY will propound his request, I presume.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to thank my good colleague from Florida who has been a great partner on this very important issue. He outlined it well. I will just speak for a few minutes on this subject.

The bottom line is very simple. There are bad people who always want to evade the law, and there are good people—most Americans, the vast majority—who want to protect the law. Our job is to prevent the bad people without hurting the good people. We will have different views on the issue of gun control as to where to draw that line, but it seems to me on this issue there should be no dispute whatsoever. As the Senator from Florida outlined, there is new technology that for the first time will allow guns to be made that function without metal. That presents a serious danger—some might even say a mortal danger—to our safety because if a person can pass a gun through a metal detector with the very purpose to stop guns from getting into delicate areas, such as airports, sports stadiums, courts, and schools, it can create real havoc. To allow plastic guns that can fire one bullet, two bullets, three bullets, four bullets into these places creates real danger for our citizenry.

There were some wise people back in 1988, even before these guns could be developed, who passed a law that said we should not allow them to exist. It was a good law. The trouble is, as my colleague from Florida has outlined, technology has advanced, so not only are these guns real, but they can be made so that the law that exists and expires tonight can be evaded.

If one were to add an easily removable piece of metal to one of these plastic guns, walk with it, with that metal on it—legal under present law—take it off as a person puts the gun through a metal detector, so it is all plastic, and then quietly insert it back on the gun after it goes through a metal detector, one would have a gun on both sides of the metal detector that is legal under present law, the law that expires tonight, and a person can then evade the very purpose that we have metal detectors at our airports, sports stadiums, and other places—to prevent guns from being smuggled in.

So what we would ideally like to do, the Senator from Florida and I, is say that those types of guns, as well as guns that are purely plastic, should be illegal and that a gun must have some metal in it that can't be removed easily—and those guns would be legal, but those guns wouldn't be smuggled through metal detectors.

Now, years ago, it seemed as though this was all fiction. I remember that in the movie ''In the Line of Fire,'' John Malkovich, seeking to kill the President, takes months to make a gun out of plastic. It was science fiction. But in the last few years that science fiction has become a reality. Three-D printers—a technology overall that is miraculous—can create a trachea for a baby so the baby can live. Three-D printers can create car parts at a much cheaper price. But they can also create plastic guns. Technology allows them to be sold for $1,000 or a little more than $1,000, so just about anyone can get one, certainly a terrorist intent on doing evil. So the ban takes on new urgency.

Today there is good news and bad news. The good news is that the House of Representatives has passed a bill to extend that ban for 10 years. The bad news is that the dangerous loophole I mentioned is still in the bill. Under existing law—the law that expires tonight—one can make one of these undetectable guns perfectly legal by simply attaching a metal handle at the last moment when you want to slip it somewhere where it could be very dangerous and then remove the metal part and make the gun invisible to the metal detector. All the Senator from Florida and I wish to do is simply require that the metal piece be permanently affixed to the gun. Any gun without a permanent metal piece would be illegal—a simple fix that will save lots of lives. Unfortunately, the House bill that passed keeps the present loophole in the law.

I haven't heard any argument against our amendment other than: Nose in the camel's tent; this will allow people to do other bad things. But I haven't heard one specific argument against our closing the loophole