

Senator from the State of New Mexico, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. HEINRICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WORKFORCE INVESTMENT ACT OF 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 243, S. 1356.

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

The bill clerk read as follows:

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the nomination of Nina Pillard to be U.S. circuit judge for the DC Circuit, postcloture.

MEASURE PLACED ON THE CALENDAR—S. 1797

Mr. President, I am told S. 1797 is due for a second reading. Is that valid?

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 1797) to provide for the extension of certain unemployment benefits, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar under rule XIV.

SENATE AGENDA

Mr. REID. Mr. President, I congratulate the budget negotiators on reaching an agreement last night to roll back the painful and arbitrary cuts of sequestration and prevent another dangerous government shutdown in the new year. Their bargain also protects Medicare and Social Security benefits and reduces the deficit. That is a good package.

I commend Budget Chairman MURRAY and her House Republican counterpart Congressman PAUL RYAN for their diligence and cooperative spirit which made this agreement possible.

The process that led to this accord was long and very difficult. The Republican government shutdown—the first in 17 years—took a toll on our economy, on American families, and on our reputation around the world. It was

also costly for the Federal Government in many different ways.

So when Congress reached a temporary settlement that ended the shortsighted shutdown, Democrats were committed to ending the terrible cycle of lurching from crisis to crisis. But understand this: When this measure went to the House of Representatives—it passed here to keep open the government, after 16 days; to stop the government from defaulting on its debt for the first time in history—about 75 percent of the Republicans in the House voted to keep the government closed and to default on the debt. Think about that. So this agreement is really a breath of fresh air—as we have been committed to setting sound fiscal policy through the regular order of the budget process and not through hostage taking or crisis making.

In this new agreement neither side got everything it wanted, but that is how it used to work around here. That is how it worked. Each side would move forward on what they wanted, and they would recognize—sometimes it was soon; sometimes it was not so soon—that the only way to work something out was to work together. That is what happened here.

So this is, I repeat, a breath of fresh air for the country. But I also hope it is a view of the future. I hope it is a view of the future. For example, I believe, as many Democrats do, that an extension of emergency unemployment insurance should be included in this package. I am very disappointed that the bills posted by the House last night do not include that. About 20,000 Nevadans who have been unemployed for more than 6 months—and more than a million people nationwide—will lose their earned unemployment benefits at the end of this year unless Congress acts.

I will stand for those Americans who want to get back to work as soon as possible but face a market where there is only one job opening for every three unemployed workers. That is why we are going to push here, after the first of the year, for an extension of unemployment insurance when the Senate convenes after the New Year, as I will also work very hard to raise the minimum wage.

It was stunning, Mr. President, the reports all over the national media today—radio, television, all the print media—that the vast majority of Americans believe the minimum wage should be raised to \$10 an hour. The American people believe that if someone works for 40 hours, they should not be on the rating as being poor. They should be able to support themselves and their family. But that is not the way it is now. We need to raise the minimum wage, and there will be a sustained effort to do that when we come back.

Democrats, led by Senator MURRAY, stood for our party's priorities—protecting the middle class and growing the economy—but we were also ready

and willing to compromise with our Republican counterparts. I admire Senator MURRAY for having proceeded forward along this line.

But while both sides made concessions and sacrifices, I repeat, that is the nature of negotiation and the point of a conference committee: to work together to work out our differences. So to their credit, members of the conference committee considered every option, no matter how painful to their own political party. They rejected many. They rejected most. They were able to come together on enough revenue and enough cuts to come up with this pact that they have.

Under the leadership of Chairman MURRAY, the committee crafted a 2-year bargain that charts a course for economic growth, maintains fiscal responsibility, and, perhaps most importantly, averts another manufactured crisis that would undercut the economic progress we have made these last 4 years.

So I look forward to working with my colleagues on both sides of the aisle and both sides of the Capitol to pass this agreement.

Last night, we also filed—I should not say “we”—last night, the House filed a bill to ensure physicians are fairly compensated so Medicare patients can continue to see their doctors. It would be a shame if Medicare patients did not have the ability to have a doctor. But unless we did this agreement—short term as it is—physicians would receive a 27-percent cut in pay. So again in the new year we are going to work very hard to get rid of this so-called doc fix once and for all. We need to fix it once and for all.

Unfortunately, instead of beginning work on either of these things I have talked about, the two agreements—that is, the fix for doctors for Medicare patients, the budget; and the Defense bill, which I have not talked about, which also was posted last night in the House—Republicans are not facing reality. They are not. You are seeing, the American people are seeing before their eyes the face of obstruction. That is what is going on right now. We are eating up days of time—wasting hours, weeks, and days.

We could be voting on all this stuff now, all these nominations that are appearing before this body now, and move on to the substantive issues. This is why the rules were changed, Mr. President. You can see it right now. We are wasting hour after hour doing nothing.

The filibuster rule was established to get legislation passed. As it relates to nominations, the same thing applied: to get nominations processed. Our predecessors in the Senate set some rules saying that if cloture is invoked, the parties are entitled to some time to make their case before final passage or final vote on the nomination.

So now we have a number of nominations we are processing. To show how shallow the Republicans' obstructionism is, they have no objections to

any of these nominations. Nobody comes and gives these fire-and-brimstone speeches about how bad these people are. Why? Because they are not. They have just been stalling and stalling. I repeat, this is the face of obstruction which we have been facing for 5 years during the Obama administration. Is it any wonder that the rule was changed that relates to nominations? We were spending all of our time trying to get the President to have a team rather than doing work on substantive legislation.

So we will see how late we have to work tonight. Whatever it is, we are going to do it. We are going to finish these nominations this week. If it goes into Friday, if it goes into Saturday, that is what we are going to do. We have to get this done.

Christmas is approaching, and I understand that. We all understand that. But this session of Congress does not end at Christmastime. We have work to do. We have to pass this budget. We have to do something for those Medicare patients. We have to do something for the military of this country with this Defense agreement that has been reached between the leaders of those two important committees—Armed Services and their counterpart in the House, whatever it is called.

So why waste this time? There is no reason to do this. Republicans are stalling. For what? To stop these nominations from going forward? They are going to go forward with a simple majority vote. I understand one of them may not go forward because some Democrats do not like the nominee, but that is the way it should be.

So we could confirm Nina Pillard right now. No one is saying a single word contrary to her being the quality candidate that we have said she is. She is nominated to sit on the District of Columbia Appeals Court, I repeat, some say the most important court in America; most say second only to the Supreme Court.

But instead, Republicans are insisting that we vote on her nomination many hours from now, after they have frittered away 30 hours of the Senate's time. There are no objections to her qualifications. The outcome of her vote is a foregone conclusion. So when people around here complain that they are not home with their families at Christmastime, here is the reason: Republicans' obstruction.

It is hard to imagine a more pointless exercise than spending hour after hour waiting for a vote on an outcome we already know. Republicans insist on wasting time simply for the sake of wasting time. Is it any wonder, I repeat, that the rule was changed? Here is why. It is no wonder Americans overwhelmingly support the changes made to the rules last month in order to make the Senate work again.

The Republican's partisan sideshow is another example of the kind of blatant obstruction that has ground the Senate to a halt. The work of the Sen-

ate has come to a standstill over the last 5 years. Members should be aware if Republicans stop squandering the Senate's precious time, rollcall votes are possible at any time this afternoon or this evening. It does not have to be like this.

With just a little bit of cooperation, we could hold votes in a timely manner so we can move on with the business before us. Unfortunately, we can not schedule votes without cooperation; that is part of the Senate rules. Cooperation is in short supply at the moment.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF CORNELIA T. L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination which the clerk will report.

The bill clerk read the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATE RULES AND HEALTH CARE

Mr. MCCONNELL. Mr. President, I just listened to the majority leader complaining about what we are doing this week. He is the one in charge of the schedule. He has spent a week here on nonessential nominations, none of which are emergencies, all of which could be handled later. It was his choice to spend the week on nominations that are not emergencies as opposed to doing things like passing a DOD authorization bill or things like taking up a budget resolution or things like doing a farm bill. So the majority leader has a choice as to what we are going to spend time on. He has chosen to spend this week on 10 nominations.

Yesterday I talked about the left's "ends justify the means" quest for power and the lengths to which they are willing to go to satisfy it. The Obama administration and its allies have done just about everything to get what they want one way or the other, even fundamentally altering the contours of our democracy when they could not get their way by playing by the rules.

We saw the culmination of that with the majority leader's power grab in the Senate last month. The real world consequences of that power grab are most sharply illustrated by the very nomi-

nee before us, which I believe I heard the majority leader commenting on what a stellar nominee this person is.

Professor Pillard may be a fine person, but she is not someone who should receive a lifetime position on the second highest court in the land. She will be confirmed, however, because of the Democratic majority's power grab a couple of weeks ago. So let's take a look at her legal views. They certainly make one thing clear: The nominee before us is a liberal ideologue; in other words, just the kind of person this administration is looking for to rubberstamp its most radical regulatory proposals on the DC Circuit.

Let's take the so-called Hosanna-Tabor case. Last year the Supreme Court reinforced a core First Amendment principle when it ruled unanimously that churches, rather than the government, could select their own leaders.

Every single justice sided with the church's argument in that case. Every single one. It makes sense. Freedom of religion is a bedrock foundation of our democracy. I think every member of this body would surely agree that the government does not have any business picking a group's religious leaders for them. But Professor Pillard seemed to have a very different view. Prior to the Court's unanimous decision, she said the notion that "the Constitution requires deference to church decisions about who qualifies as a minister" in the case before the Court seemed "like a real stretch."

This is the nominee, after the power grab, the Senate is about to confirm, who said that, "It is a real stretch that a church would be able to pick its own leaders." This is an astonishing judgment from somebody who is about to end up on what we believe is the second most important court in the land.

But she went on from that. The position of the church in the Hosanna-Tabor case represented a "substantial threat to the American rule of law." How do you like that, Mr. President? It is a substantial threat to the American rule of law that a church should be able to pick its own leaders. A substantial threat to the American rule of law.

This was a case decided the other way from Professor Pillard's position, 9 to 0. Talk about radical. Talk about extreme. No wonder they wanted a simple majority to be available to confirm a nominee like this. I mean, even the Court's most liberal justices, as I mentioned, disagreed with Professor Pillard on this one.

One of them characterized that kind of position as "amazing." This is a member of the Supreme Court in the 9-to-0 decision, characterizing Professor Pillard's view as "amazing." In other words, Professor Pillard must think that even the furthest left Supreme Court Justice is not far enough left for her. So you get the drift of where she is.

We rightly expect justices on our nation's highest courts to evaluate cases