

McCaskill	Pryor	Thune
Menendez	Reed	Udall (CO)
Merkley	Reid	Udall (NM)
Mikulski	Rockefeller	Warner
Moran	Sanders	Warren
Murkowski	Schatz	Whitehouse
Murphy	Schumer	Wicker
Murray	Shaheen	Wyden
Nelson	Stabenow	
Portman	Tester	

## NAYS—29

Alexander	Enzi	Paul
Barrasso	Fischer	Risch
Blunt	Hoeven	Roberts
Boozman	Inhofe	Rubio
Chambliss	Isakson	Scott
Coats	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Lee	Toomey
Crapo	McCain	Vitter
Cruz	McConnell	

## NOT VOTING—1

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The nomination is confirmed.

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion to invoke cloture.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

## QUORUM CALL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

## [Quorum No. 7]

Ayotte	Cruz	Manchin
Baldwin	Durbin	Markey
Barrasso	Enzi	McCain
Baucus	Feinstein	McConnell
Bennet	Franken	Menendez
Blunt	Graham	Merkley
Booker	Grassley	Mikulski
Boozman	Harkin	Moran
Boxer	Hatch	Murphy
Brown	Heitkamp	Murray
Burr	Heller	Nelson
Cantwell	Hirono	Paul
Cardin	Hoeven	Portman
Carper	Inhofe	Pryor
Casey	Johanns	Reid
Chambliss	Johnson (SD)	Roberts
Coats	Kaine	Rockefeller
Coburn	King	Sanders
Coons	Klobuchar	Schumer
Corker	Landrieu	Sessions
Cornyn	Leahy	Shaheen
Crapo	Levin	Shelby

Stabenow	Warner	Wicker
Tester	Warren	
Thune	Whitehouse	

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HATCH (when his name was called.) "Present."

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 261 Ex.]

## YEAS—58

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

## NAYS—40

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

## ANSWERED "PRESENT"—1

Hatch

## NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40, and one Senator responded "Present."

The motion is agreed to.

# NOMINATION OF LANDYA B. MCCAFFERTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Landya B. McCafferty, of New Hampshire, to be

United States District Judge for the District of New Hampshire.

The majority leader is recognized.

Mr. REID. On behalf of the majority, I yield back 57½ minutes.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 2 hours of postcloture consideration of the nomination equally divided in the usual form.

The Senator from New York.

UNANIMOUS CONSENT AGREEMENT—H.R. 3548

Mr. SCHUMER. Mr. President, as if in legislative session, I ask unanimous consent that if the Senate receives H.R. 3548 from the House of Representatives and the bill is identical to S. 1689, as introduced, then the bill be considered as having been read three times and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues, in the Christmas spirit, despite these contentious times, for letting this bill move forward. Let me just briefly explain.

On Christmas Eve, 2012, nearly one year ago today, the 125-member West Webster Volunteer Fire Association—a volunteer fire department outside of Rochester—faced an unimaginable tragedy when four of their brave members were wounded, two fatally, when they responded to a fire but instead faced an ambush of unspeakable proportions.

While many of our families across our Nation were waking up last Christmas Eve morning preparing Christmas dinner, shopping, wrapping presents or picking up family from the airport, four families in Webster, NY, were instead confronting a heart-wrenching tragedy.

The call of a house on fire came in to the West Webster Fire Department at 5:30 a.m. that morning, December 24. It was a cold, snowy morning, still dark, but the everyday heroes from the West Webster Fire Department courageously did what they volunteered to do on behalf of their neighbors and on behalf of their hometowns. They left their homes and their families to put out a fire.

Instead, this routine call turned into a tragedy which shocked this community and people throughout the country and even the world. What they didn't know was that the fire was intentionally set by the home's owner in order to lure these innocent firefighters into a senseless sniper ambush. The sniper was hiding behind a berm amid the chaos of the fire and began shooting at the responding firefighters.

The firefighters were confused at first to hear popping sounds; they thought it might be the fire, but Lieutenant Mike Chiapperini, who was also a Webster police officer, knew better and shouted to his fellow volunteers to take cover, but it was too late.

Firefighter Hofstetter was shot in the pelvis while trying to alert dispatchers on the radio to the situation.

Ted Scardino was shot in the shoulder, and 5 minutes later shot in the leg. A 16-year volunteer lay there bleeding for an hour, enduring the December cold while sustaining second-degree burns on his head.

Lieutenant Chiapperini and firefighter Kaczowka both died in the ambush.

As news of this horrific senseless Christmas Eve tragedy spread, well meaning people from Rochester, New York State, the Nation, and the world reached out to the West Webster Fire Association to offer their support and prayers.

Not realizing that collecting and distributing the funds to the family would jeopardize the association's tax exempt status with the IRS, the association accepted donations from generous people all around the Nation wanting to help the poor families who suffered so on that day. They collected these donations for the victims and their families. They wanted to give these donations to the victims and their families. It defies reason that they would be unable to do so because of a technicality in the Tax Code.

Just as we did after 9/11 and again after a similar fire department tragedy in California, it is our obligation to make sure the West Webster Volunteer Firemen's Association can now distribute to these families the contributions their neighbors and unknown countless generous others wanted them to have. With the passage of this legislation, that will happen.

I thank my colleagues, particularly on the other side of the aisle. I know these are contentious times, and this was done truly in the Christmas spirit, and I thank them.

#### WOLFORD CONFIRMATION

One more brief moment. We just confirmed to the U.S. district court the first woman to serve on the Federal bench in the Western District of New York, Elizabeth Wolford. She is going to be a great judge. Ms. Wolford is right out of central casting for the role of a Federal judge. Not only will the legal community of Western New York be well served by her ascension on the bench, the entire community will benefit from her leadership, wisdom, and judgment.

It is an honor to have nominated and to now confirm Elizabeth Wolford, the first woman to represent the Western District of New York, a very distinguished bench.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I wish to speak about where we are right now. We are moving toward confirming a number of individuals with the majority deciding that the majority could do that by themselves. Apparently, they had the right to change the rules, which I guess means there really are no

rules and the majority can change the rules any day they want.

What we are seeing now with the health care implementation is what happens, frankly, when one side decides they don't want to make any effort necessary to get even one other person from the other side to agree with them on moving forward with something as big as the health care legislation. That should have been an example to us, but apparently the example was the example that they, the majority, can do whatever the majority wants to do.

Let me share for a few minutes some of the things I am hearing in our office from people who are contacting us to tell us the problems they are having that they didn't anticipate.

This is a letter from Pam from Chesterfield, MO. She says: My husband and I have always played by the rules and carried insurance. I had no idea we were going to have to change plans and go to the exchange, but our provider apparently doesn't want to have individual plans any longer because it is too costly to figure out the complexities that would apply to individual plans.

Then Pam says: At least for now, my husband and I are not getting health insurance, and I guess we have to hope for the best. What a mess, she says. So much for playing by the rules. I never expected the two of us to be uninsured. But, now, she thinks that is what is likely to happen.

Jennifer, a college student from St. Louis said that she initially supported the Affordable Care Act. She worked part-time at a Home Goods store where she had what she thought were great health benefits—or at least the health benefits she wanted—and where she could work as many hours as she wanted. But, she says, because of the health care plan, her employer reduced the maximum number of hours she could work to 24 hours.

So, she says:

My name is Jennifer, a hard-working student from St. Louis, MO, and I would like to share my emerging problems. At first I was supportive of the Patient Protection and Affordable Health Care Act. Insurance for everyone—that sounds so appealing, but now that it has affected my life in a negative way, I am not so sure I can be supportive anymore. I have worked for my employer for almost 3 years while going to school. It has been an excellent place to work until now, and now not only do I not have the health care benefits I had before, but I am not able to work as much as I was able to work before.

Carla and her husband are farmers from Oreck, MO. They farm full-time; neither of them is employed off the farm. They have two sons, one just graduated from college and just went to work; another is a junior in college. They have one full-time employee on the farm. Her family provides their own insurance. In order for them to have insurance they have had a health savings account through Humana. Their deductible is \$10,000, and they still pay a little over \$500 a month or

\$6,057 a year for their family insurance. But she tells me beginning January 1, 2014, their deductible goes to \$12,600. Their premium goes to \$11,422, an 89-percent increase in a family that provides their own insurance. By the way, they provide insurance with dollars they earned and they pay taxes on, so we can add another premium to that and find out how this family, that has done all they could to have insurance for their family, now has an 89-percent increase in their insurance and a deductible they hope they never use. But if they do, it is a big problem if they use that deductible. The deductible is going to be over \$12,000.

If a family is paying \$11,000 for premiums and then they develop health care needs, they pay another \$12,000 before their insurance helps them, that is \$23,000 a year before their insurance benefits them in any way for a family that had insurance coverage that, until right now, they thought was working for them while doing all they could to have it.

Catherine from Springfield, MO, says a few weeks ago she was informed she was going to lose her health coverage because of the President's health care plan. She has been concerned that she might not be able to sign up because the Web site wasn't working. Whether the insurance costs more or not wasn't as big of a concern to her as having insurance. She says: The nightmare that is ObamaCare is going to affect us in a major way, and the stress of what is coming is affecting many people. Not only are we losing health insurance plans we liked, and possibly the doctors we trust, but the new coverage is not as good and it costs us more. This is—to paraphrase the Vice President, "a big deal", she says.

Ken writes:

Dear Senator Blunt. I am writing to inform you of my recent experience with health insurance and the ACA. My wife and I make a decent income but are far from wealthy. On September 30 I received a notice that due to the ACA, my employer-sponsored health insurance plan would no longer be available. Yesterday—after worrying about this since September 30, apparently—yesterday, he continues—I discovered that my employer was able to renegotiate an early renewal and our monthly premium will only increase by 12.5 percent. However—by the way, 12.5 percent is a pretty good increase by my books except the ones that compare what is happening right now. However,

he continues,

I have been made aware that next year my plan premiums will increase by a minimum of 39 percent.

So it increased 12.5 percent this year, and they have already notified this family that their increase will be a minimum of 39 percent next year, and his deductible, according to him, will double. So reading his letter further, he says: So I guess I will not be able to keep my insurance and my costs will not decrease as the President said they would.

Carol from Republic, MO, says her monthly premiums have gone from \$600

to \$800, and the part-time jobs she and her husband both had at the local community college have actually gone down because they are not able to teach as much as they were able to teach before, because the community college has decided they can't let any of their part-time faculty work more than 30 hours. So their income went down, their expenses went up, in both cases because of the President's decisions on health care and the legislative decisions on health care in both cases. We know this has impacted the workplace, part-time workers, people holding their workforce down so they wouldn't be covered, holding their worker hours down so they wouldn't have to pay the penalty if they didn't offer insurance or offer the insurance for the first time at levels they hadn't had before.

Now we are also seeing—not only did the hours of work go down, but the cost of health insurance goes up. Surely, we can come up with a better plan than that.

Christian from St. Peter's, MO, just learned that his wife's employer will start excluding him from their family coverage and that he now has to receive insurance in some different way. It looks like he is going to be able to do that with his employer for \$1,300 more per year. This is actually the best story I have told so far—only \$1,300 that this family used to have to spend for something else, and they are now spending for health care. He says: I am not sure who ObamaCare benefits, but it sure isn't my family.

These stories are just examples of some of the things we are hearing.

Last weekend I noticed that one of the architects of the President's health care bill, Dr. Zeke Emanuel, on Fox News to Chris Wallace, said that what the President really should have said—and this is his exact quote: "If you want to pay more for your insurance company that covers your doctor, you can do that."

I don't know what he is looking at, and some may be able to find their doctor for more money, but in our State some of the health care providers aren't on the exchange.

I read the other day that more than half of the hospitals in New Hampshire aren't on the exchange. So if your doctor happened to work for more than half of the hospitals in New Hampshire, there is no amount of money you can pay on the exchange and keep your doctor, because your doctor is no longer available through the way that you are told by the health care act that you can get insurance as an individual.

The President promised that. He said: My plan begins by covering every American. If you already like your health insurance, the only thing that will change for you under this part is the amount of money you will spend on premiums, and that will be less.

I think we are going to quickly see not only are people losing insurance,

but for most people the premiums are not going to be less and the deductibles are going to be higher, not lower.

This is going to be a story that is going to affect American families as nothing the Federal Government has done in a long time, and maybe nothing the Federal Government has done ever.

If you truly want to impact the lives of families, impact their health care. Somebody told me one time: When everybody in your family is well, you have lots of problems. When somebody in your family is sick, you have one problem.

We are dealing with the one focusing problem for American families: their access to health care that they can afford with decisions they like.

I yield back.

#### PRAYER

The PRESIDING OFFICER. Pursuant to the order of February 29, 1960, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who gives us so much more than we deserve, when the days are dreary and the long nights weary, we are still indebted to You for Your generous mercies. May Your blessings provide our lawmakers with the willingness to see and do Your will. Living by the principles of Your sacred revelation, may they do nothing to cause them shame. Give them respect for diverse viewpoints, open their hearts to Your love, their minds to Your truth, and their wills to Your service.

We pray in Your gracious Name. Amen.

The PRESIDING OFFICER (Mr. COONS). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise to continue the discourse my esteemed colleague, the good Senator from Missouri, was engaged in on the Senate floor just a minute ago, talking about the importance—the importance—of bipartisanship as we work to craft policy for this country, policy that all Americans can support and policy that truly moves our country forward.

So whether we are considering nominations or whether we are considering legislation, we need to find ways to come together and come up with solutions that the American people support across the board in a bipartisan way. So as we consider these nominations, we have to consider the fact that now the Senate will be approving these nominations with essentially a 1-party vote, 51 votes.

Right now, the Democratic Party has the majority in the Senate, so they can put judges on the bench, confirm other nominations without any Republican support whatsoever. Of course, under that approach, at some point the re-

verse may very well be true, that nominees may be confirmed—whether it is judicial nominees or other types of appointments—with only Republican votes if the Republicans are in the majority without any Democratic votes. Why does that matter?

Why it matters is because, again, I go back to my earlier statement that in crafting policy, crafting laws and making appointments, nominations to the bench, we need to do it in a way where we garner broad support across the country.

More than 300 million people's lives are affected dramatically by all of these things, by who those appointees are, the offices they hold, what they do with the laws we pass. So if we are going to impact everybody in the Nation with these laws, with these appointments, we have to make sure there is input, consideration by and, if you will, from both sides of the aisle.

That is how we get the kinds of policies and we get the kinds of nominees and we get the kinds of judges and Justices that truly will have the support of people across this great country. I believe that is what we need to truly build the kind of future we want for ourselves and for our prosperity.

As we talk about nominees, we consider also implementation of the Affordable Care Act. This is a huge topic of discussion in our country right now, and it is going to continue to be a huge topic of discussion. You are talking about one-fifth to one-sixth of our economy engaged in health care. So this is something that touches every single American in their daily life in a big way. It is so important we get it right.

As was the case with my esteemed colleague from the State of Missouri, he was presenting anecdotes, presenting stories, real stories, real-life stories, of people who are impacted by the Affordable Care Act and how they are impacted. It is very important we do that because we need to know how people's lives are affected by the Affordable Care Act and what we can do to make sure they have the best health care possible.

By the way, I think of hopefully building bipartisan support to get the kind of health care reform we truly need. I am going to present some of these real-life cases, as my colleague from Missouri just did, and I am going to start with one that talks about the marriage penalty created by ObamaCare, the Affordable Care Act. This is from someone in Grand Forks, ND, who writes in about the marriage penalty created by the Affordable Care Act. This citizen writes:

My husband and I met with the primary health insurance carrier in ND and were told that our current coverage, under the guidelines of the Affordable Care Act, will cost us at least another \$400 more a month, and our deductible will increase from \$2,000.00 to \$12,000.00, and because we are married, we cannot choose individual plans, which would be a much lower deductible. In essence, we are being punished for being married. We are