We have nominations that we are going through now and that we will continue to go through. We have important policy matters we need to get done now for the American people, such as a budget, Defense reauthorization for the defense of our Nation, a farm bill that needs to be passed, and an energy policy that we need to address—all things that can truly move our country forward. As we do that, we need to come forward with solutions that will truly be bipartisan. To do that, we need to have a very sincere and direct dialog as a body and Member to Member to come up with solutions to determine how we are going to make sure we are doing the very best job for the American people. That is what this is all about. We are here to do the work of the American people.

And you know, we look across this vast, wonderful Nation, and there are people who are Democrats and people who are Republicans and people who are Independents, and we serve that whole spectrum. We serve them all. We are faced with a real challenge right now to make sure that bipartisanship continues in this Senate and in this Congress.

I am going to turn to another matter before us that is incredibly important. It is a matter that is truly bipartisan. It is bipartisan, and I am going to use this as an example of how bipartisanship can and does work in this body and in the House. It is a matter we should be voting on right now, and I sincerely hope we will be voting on it in a few short weeks when we return, and that is the farm bill.

I am a member of the Agriculture Committee, a member of the agriculture appropriations subcommittee, and I am also a member of the conference committee that is working to reconcile the differences between the farm bill that has been passed in the House and the farm bill that has been passed in the Senate. I bring up this example purposely, because we are focused on how we operate in a bipartisan manner to meet the challenges this Nation faces, and we are at a point where we need to redo the farm bill. We need to put a new long-term, 5-year farm bill in place. Right now we are operating under an extension. I use this as an example of a truly bipartisan approach.

I use the farm bill for another reason too. As we go through this process, where confirmation of nominations are now being done essentially on a partisan basis—not a bipartisan basis but on a partisan basis—and as we talk about ObamaCare, which was passed on a partisan basis—not a bipartisan basis—I want to bring up an example of how things should work on a bipartisan basis.

When we look at the farm bill, the breakdown in terms of how the votes have gone, it hasn't been Republican and Democrat. We have had both. We have had some Republicans and Democrats voting against it and some Republicans and some Democrats voting for it. It really is focused on what is the policy and what best serves this great Nation.

Here is the other reason I bring it up right now. We are trying to address the deficit and the debt this country faces; right? This year CBO says the deficit is going to be somewhere between $650 billion and $700 billion—the deficit. The debt is $17.3 trillion. We must address the deficit and the debt. So as we work on a new farm bill, we are not only reforming the current farm bill, which is operating under an extension, we not only make reforms that make for a better farm program, but we are going to save on the order of $25 billion to $30 billion to help reduce the deficit and the debt.

Isn't that what we should be doing across government on a bipartisan basis—coming up with better policy that actually reduces the deficit and the debt, controls spending, reduces spending and helps our economy grow? That is what we are doing with the farm bill, and that is what we should be doing in these other areas as well.

So as we continue to work on the farm program, I had hoped we could be to the point where we would be voting this week or next on the Senate floor and in the House as well. It doesn't look like that is going to happen, but we are very close. We can have a framework in place this week or next so that we can vote on it as soon as we return in January, and that is what we need to do.

The current farm bill, the current extension, expires at the end of the year, meaning we need to get a new farm bill in place—not an extension but a new farm bill. We have put the framework in place. We are there. We now just need to get people to agree and we need to get the bill to the House and to the Senate floor. I believe we are absolutely there. We just have to have the will to make it happen and to make it happen on a bipartisan basis. Not only is it vitally important we pass this farm bill, but it truly can be an example in terms of how we approach other policy as well on a bipartisan basis.

At this point, Mr. President, I see the leader is here and I would ask of the Chair as to my time allotment and also the time for the next vote.

The PRESIDING OFFICER. All time has now expired.

The question is, Will the Senate advise and consent to the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. KIRK).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—79

Ayotte	Grassley	Murphy
Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Hatch	Paul
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Pryor
Booker	Heller	Reed
Boxer	Hirono	Reid
Brown	Isakson	Rockefeller
Burr	Johnson (SD)	Rubio
Cantwell	Johnson (WI)	Sanders
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Chambliss	Landrieu	Stabenow
Coburn	Leahy	Tester
Collins	Lee	Thune
Coons	Levin	Toomey
Corker	Manchin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Warner
Durbin	McCaskill	Warren
Feinstein	Menendez	Whitehouse
Flake	Merkley	Wicker
Franken	Mikulski	Wyden
Gillibrand	Moran	
Graham	Murkowski	

NAYS—19

Alexander	Enzi	Roberts
Barrasso	Fischer	Scott
Blunt	Hoeven	Sessions
Boozman	Inhofe	Shelby
Coats	Johanns	Vitter
Cornyn	McConnell	
Crapo	Risch	

NOT VOTING—2

Cochran	Kirk

The nomination was confirmed.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. 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 Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board.

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 ACTING PRESIDENT pro tempore. Under rule XXII, the Chair 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 name:

[Quorum No. 8]

Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Baucus	Grassley	Murkowski
Begich	Harkin	Murray
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Portman
Booker	Heller	Pryor
Boozman	Hirono	Reid
Boxer	Hoeven	Rockefeller
Brown	Johnson (SD)	Rubio
Cantwell	Kaine	Schatz
Cardin	King	Schumer
Carper	Klobuchar	Sessions
Casey	Landrieu	Shaheen
Coburn	Leahy	Shelby
Coons	Lee	Stabenow
Corker	Levin	Tester
Cornyn	Manchin	Thune
Crapo	Markey	Toomey
Cruz	McCain	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	McConnell	Warren
Feinstein	Menendez	Whitehouse

The ACTING PRESIDENT pro tempore. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board, 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. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Illinois (Mr. KIRK).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 263 Ex.]

YEAS—57

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

NAYS—41

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

NOT VOTING—2

Cochran	Kirk

The ACTING PRESIDENT pro tempore. On this vote the ayes are 57, the nays are 41. The motion is agreed to.

NOMINATION OF PATRICIA M. WALD TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

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

The bill clerk read the nomination of Patricia M. Wald, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Board for a term expiring January 29, 2019.

The ACTING PRESIDENT pro tempore. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination equally divided in the usual form.

The assistant majority leader.

Mr. DURBIN. Mr. President, I yield back the majority's time on this nomination.

The ACTING PRESIDENT pro tempore. The time is yielded back.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, I would like to speak on the nomination.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. PORTMAN. Mr. President, I am glad to have this opportunity to come to the floor of this great body to talk about issues that are of great concern to the people of Ohio whom I represent and to the country. We are facing a lot of challenges right now. Certainly health care costs are on the rise, as we have seen, but jobs are also hard to come by.

There is a middle-class squeeze going on out there where paychecks are down and health care costs are up, and belief in the American dream, as a result, is on the decline. Some say for the first time since polling has begun people think that future generations are not going to be as well off as we are. This is sad, and there is work we can and should do to address this.

It starts with dealing with some of the gridlock in Washington and getting some things done. One of my concerns about what the majority has done in terms of taking away the rights of the minority to be heard on nominations is creating a very tough environment to break through that gridlock and get things done.

I think about the judiciary. Today we are talking about a court judge who is up for a nomination and the question is whether she is going to be confirmed. Right now, under the current rules that exist, Republicans have no voice, in essence, because the 50 votes from Democrats—and there are 55 Democrats—can put up a judge and get the votes and put anybody through they want.

Under the system that has prevailed in this body for decades, and one consistent with the intention of the Founders, you have to get 60 votes. In other words, the minority would have some voice, and specifically Republicans, in that there are 45 of us and we would have to supply about 5 votes. That makes a big difference in terms of the kinds of judges who are nominated and ultimately confirmed.

There has been a lot of discussion about what is going on here on the floor in terms of ending the ability of the minority to have their voice heard. I think we also need to focus a little on what impact this will have on the judiciary.

When someone is appointed to the DC Circuit Court—somebody was recently confirmed yesterday and the day before for that body—these are lifetime appointments. Instead of having to go through a process where you have to figure out how to get some Members of the other party to support you, right now—under the new rules that were done by breaking the rules, and again, inconsistent with the intent of the Founders who allowed their voices to be heard—they don't have to get the minority. They can do it with just 50 votes. Again, with 55 Democrats, there is no need to consult with Republicans or to get any support. In fact, they can allow five Democrats to vote the other way.

I worry this will polarize the judiciary. I think we are polarized enough in this place. I think Washington is becoming dysfunctional for a lot of reasons, but one is this increased polarization. Now to have this rule change only creates a difficult environment to get work done, but it will also put judges on the judiciary with lifetime appointments; these judges who, frankly, are more liberal under the Democrats and more conservative under the Republicans than they would otherwise be.

In States such as mine where there is a Republican Senator and a Democratic Senator, we work together to try to put judges forward. Democrats realize in the majority they have now, they have to get some Republican support, so they work with us. You tend to get center-left judges nominated and confirmed right now.

Again, under the new rules that Leader REID and the Democrats have insisted on, that will not be required. Why would you have to consult and work with your counterpart in your State or Republicans on the other side of the Chamber?

When there are 50 votes, you can put forward any judge you want. I do think this will result in judges who are not center left but left and not center right but right. This will polarize the judiciary more, and that concerns me.

I hope, as we are thinking about how we deal with our own procedures—and I know this is an issue that has been debated a lot in the last few weeks because of the decision the Democratic leadership made to take away this right—we also think about what impact this will have on the judiciary. Do we want a more polarized judiciary where some of these ideological differences make it difficult for them to operate just as it makes it difficult for the Congress to operate? I don't think so.

I don't think that is what the American people want, and I know it is not