On this question, the yeas and nays have been ordered, and the clerk will call the roll.

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

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 264 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	Enzi	Moran
Ayotte	Fischer	Paul
Barrasso	Flake	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rubio
Chambliss	Heller	Scott
Coats	Hoeven	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Thune
Corker	Johnson (WI)	Toomey
Cornyn	Lee	Vitter
Crapo	McCain	Wicker
Cruz	McConnell	

NOT VOTING—2

Inhofe	Kirk

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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 Brian Morris, of Montana, to be United States District Judge for the District of Montana.

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, Michael F. Bennet, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin.

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 bill clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 9]

Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson
Baldwin	Grassley	Paul
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Bennet	Hatch	Reed
Blumenthal	Heinrich	Reid
Blunt	Heitkamp	Risch
Booker	Heller	Roberts
Boozman	Hirono	Rockefeller
Boxer	Hoeven	Rubio
Brown	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Coburn	Klobuchar	Shelby
Cochran	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Lee	Thune
Corker	Levin	Toomey
Cornyn	Manchin	Udall (CO)
Crapo	Markey	Udall (NM)
Cruz	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Fischer	Murkowski	Wyden
Franken	Murphy	

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Brian Morris, of Montana, to be United States District Judge for the District of Montana, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH) is necessarily absent.

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

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

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—57

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Hatch	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—40

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

NOT VOTING—3

Heinrich	Inhofe	Kirk

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. The motion is agreed to.

NOMINATION OF BRIAN MORRIS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Brian Morris, of Montana, to be United States District Judge for the District of Montana.

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

The majority leader.

Mr. REID. Mr. President, it is my understanding there is 2 hours equally divided; is that right?

The PRESIDING OFFICER. The leader is correct.

Mr. REID. I yield back 59 minutes.

The PRESIDING OFFICER. The time is yielded back.

The Senator from Florida.

SPACE LAUNCH LIABILITY INDEMNIFICATION EXTENSION ACT

Mr. NELSON. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3547, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3547) to extend the application of certain space launch liability provisions through 2014.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON. Mr. President, today, I am asking for unanimous consent to pass H.R. 3547, as amended, a bill to extend government liability, subject to appropriation, for certain third-party claims arising from commercial space launches. The bill supports the competitiveness of the United States commercial space industry.

This industry, which grew in part out of the successes of NASA, is vital both to the economy and to national security. Our U.S. space companies offer us new opportunities to send astronauts into space on U.S.-built vehicles and to continue launching communications satellites and conducting important scientific research on the International Space Station.

This bill helps to ensure the strength of the space industry by continuing to provide Federal launch liability protection from third-party losses for commercial launches. Congress first established this indemnification regime in

1988 and has seen the need to extend the policy many times since then. It is important to note that it has never cost the United States a single dime.

This indemnification helps domestic launch companies compete in the global launch market. Many international cornpetitors enjoy similar protections in their various home nations.

However, indemnification protection is set to expire on December 31st of this year. Without indemnification, each company would ''bet the company'' every time they launch.

As chairman of the Science and Space Subcommittee, I have worked with other Senators to thoroughly consider this issue. In a hearing this May, we discussed indemnification in detail. It was clear that extending indemnification was necessary.

This bill therefore extends the indemnification for 3 years, until 2016, giving Congress the ability to continue to review this policy while providing the commercial space industry the stability it needs.

I would like to especially thank Senator Thune and his committee staff for their work on this bill. I would also like to thank Senators CRUZ, FEINSTEIN, HEINRICH, KAINE, RUBIO, THUNE, MARK UDALL, TOM UDALL, WARNER, and WICKER, all of whom worked with me on this effort.

Mr. NELSON. Mr. President, I ask unanimous consent that the Nelson amendment which is at the desk be agreed to; the bill, as amended, be read a third time, the title amendment be agreed to, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 2544) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. LAUNCH LIABILITY EXTENSION.

Section 50915(f) of title 51, United States Code, is amended by striking ''December 31, 2013'' and inserting ''December 31, 2016''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3547), as amended, was passed.

The amendment (No. 2545) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''A bill to extend Government liability, subject to appropriation, for certain third-party claims arising from commercial space launches.''.

Mr. NELSON. Mr. President, what we have just passed is the indemnification bill on commercial space launches.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I and my colleagues stand here holding the floor in defense of fair and free debate, and the longstanding traditions of the Senate that promote consensus.

We are here working on nominations because the majority leader has determined that is the agenda for today. But there are important issues we need to move to: the Defense reauthorization bill, the Water Resources Development Act, the farm bill, the budget, and other vitally important legislation. We need to move to these bills and we need to deal with them in a bipartisan way. Instead, we continue to work on nominees. We are working on nominees without the discussion and the debate and the consideration and, most importantly, without that bipartisan consensus which has always been a hallmark of the Senate. Because of the unilateral change to the longstanding rules of the Senate, that consensus is no longer required for advice and consent; a simple partisan majority will do.

I would use time today to talk about need for bipartisanship, bipartisanship in nominations, but also bipartisanship in the important legislation that we need to address for the good of our country, legislation such as the right kind of health care reform. I have provided real-life stories from citizens from my State about the impact that the Affordable Care Act, ObamaCare, is having on them and their lives and why we need to replace it with market-based reforms, a step-by-step comprehensive approach that fosters choice and competition. We have put forward proposals to do that.

I have also used time today to talk about other important issues that we need to advance on a bipartisan basis; for example, the farm bill. We need a 5-year farm bill. We are currently operating under an extension. That extension expires at the end of the year. We need to get a farm bill in place, and a farm bill is a great example of how we do things on a bipartisan basis, not only in the Senate but also in the House.

I wish to talk about another subject that is vitally important to our country, to our economy, to job creation, and to national security, that also needs to be advanced and needs to be advanced in a bipartisan way, and that is energy.

I want to provide a specific example; that is, the Keystone XL Pipeline. I know the Presiding Officer wishes to see that project approved. That is the point. This is a project that will create jobs, create economic activity, it will create greater energy security, it is something that we can work on with our closest friend and ally in the world, Canada. It is something that goes to national security so we are no longer dependent on the Middle East for oil, and it is something that is supported on a bipartisan basis and there is strong support from the American people.

The polls show somewhere between 70 and 80 percent of the American public supports this project and wants to see it move forward.

It has now been more than 5 years since the permit applications were submitted to the State Department for the Keystone XL Pipeline project—more than 5 years in the application process and still no decision—an exhaustive review process, including five environmental impact statements, showing no significant impact to the environment. The most recently issued draft statement was only last spring. The consent of every single State along the route of the pipeline is in place. Every single State on the route supports and approves the project, with the backing of a majority of Congress. Legislation to approve the project has passed in the House and we have passed it in the Senate only to have the President turn it aside.

As I said a only minute ago, it has the support of the American people. More than 70 percent—in the most recent poll—of the American people support moving forward with this project. Despite all of this support, the Keystone XL Pipeline project is still awaiting decision from the President of the United States.

The long wait for approval is troubling enough, but it represents a larger issue for our Nation and begs a bigger question for all of us who serve our States and the American people in this institution: How will America ever build an all-of-the-above energy policy if the President takes more than 5 years to approve only one piece of a comprehensive plan?

The Presiding Officer has seen this issue before in his State when it comes to the Alaska pipeline, how for years and years it was worked on until it was finally approved. Once approved, not only is it a vitally important piece of infrastructure for the State of Alaska, but contrary to all the concerns that were raised in regard to the Alaska pipeline, such as the environmental concerns, it has proven to work and work very well.

They addressed the concerns and the project was approved. The same is true for the Keystone XL Pipeline.

To recount briefly, this $7 billion, 1,700-mile high-tech pipeline will carry oil not only from Alberta, Canada, to refineries in Oklahoma and the Texas Gulf Coast, but it will also carry growing quantities of sweet crude from the Bakken oil fields in North Dakota, my State, and also Montana—light, sweet, Bakken crude, the highest quality oil produced.

Even by modest estimates it will create more than 40,000 jobs. There have been a lot of estimates out there, some much higher. But the State Department itself, the administration's own State Department has come out after more than 5 years of study and said that this project will create more than 40,000 jobs. At a time when unemployment is still 7 percent, these are good jobs, jobs that put Americans back to work.

It will create more than 40,000 jobs, boost the American economy, and raise much-needed revenues for States and the Federal Government. It is not raising revenues by raising taxes, it is raising revenues through economic growth. That is the way to do it—not higher taxes but through economic growth.

Further, and perhaps most importantly, it will help put our country within striking range of a long-sought goal, a vitally important goal for our country, true energy security. For the first time in generations, the United States—with its friend and ally Canada—will have the capacity to produce more energy than we use, truly, North American energy independence, eliminating our reliance on oil from the Middle East, Venezuela, and other volatile parts of the world. This is something Americans very much want.

When we see in the polls they support this project by more than 70 percent, it is with a clear recognition of what are we doing getting oil from the Middle East when we should be getting it from ourselves in this country and from our closest friend and ally Canada. We absolutely can do it, we can do it to an extent that is beyond our needs, and we can do it in short order, easily within the next 5 years if we approve projects such as this one.

Now we produce about 60 percent of our fuel domestically. We still import 40 percent, much of it from the Middle East, and other areas of the world that are hostile to our interests.

The question is why would we want to import oil from an unstable region of the world when we can import it and when we can work with our closest friend and ally Canada, as well as move it from parts of our country that produce that oil, such as my State and others, and transport it to our refineries.

The 40 percent that we don't produce domestically has to come from someplace else. Why not from our closest friend and ally Canada. With a true all-of-the-above approach to energy development in this country, including projects such as the Keystone XL Pipeline project, I absolutely believe we can be energy independent within 5 years.

The argument has been advanced that the oil sands will increase carbon emissions and that failing to build the Keystone XL Pipeline will somehow reduce emissions.

Let us look at the facts. Let us look at this claim more closely. Today an ever increasing percentage of new recovery in the oil sands is being accomplished in situ. That means with technology that makes the oil sands carbon footprint comparable to conventional drilling.

In fact, the oil sands industry has reduced greenhouse gas emissions per barrel of oil produced by an average of 26 percent since 1990 and with some facilities achieving reductions as high as 50 percent—a 50-percent reduction in carbon emissions. Today heavy crude from the Middle East—and even from California—produces more carbon emissions over its life cycle than the Canadian oil sands.

Also, we need to factor in that if the pipeline is not built from Alberta to the United States, a similar pipeline will be built to Canada's Pacific coast.

What does that mean? That means from there the oil will be shipped on tankers across the Pacific Ocean, a much larger and more sensitive ecosystem than the Sandhills—which, of course, have been at issue in terms of the route of the pipeline. It will be shipped across the ocean to be refined in facilities in China with weaker environmental standards and more emissions than our refineries in the United States.

The United States, moreover, will continue to import its oil from the Middle East, again on tankers so that again has to be transported across the ocean. Factor in the cost of trucking and railing the product to market overland, and the result, contrary to the claims of opponents, will be more emissions, more CO_2 emissions, and a less secure distribution system without the Keystone XL Pipeline than we will have if it is built.

In fact, the administration's own State Department has released three draft Environmental Impact Statements finding ''no significant impacts'' on the environment.

Let me read that again. In fact, the administration's own State Department has released three draft Environmental Impact Statements finding ''no significant impacts'' on the environment.

What does the administration do? They delay and ask for another Environmental Impact Statement.

What is going on?

In its latest analysis in March, the State Department concluded that ''there would be no substantive change in global greenhouse gas emissions'' associated with the Keystone XL Pipeline.

That raises another important point. The White House has said repeatedly they ''don't want to get ahead of the process,'' but the President effectively abandoned the process more than 2 years ago when he halted the project by executive action. Had he not, the State Department, in keeping with the usual process, would have issued a decision on the permit by December of 2011. That is according to a letter that was sent to me by Secretary Hillary Clinton, Secretary of State at that time, which she sent to me in August 2011.

I wish to point out that this body, the Senate, as well as the House of Representatives, has embraced the Keystone XL project with bipartisan majorities. Congress has expressed support for the Keystone XL with two majority votes in the Senate and several bipartisan letters to the President. The American people have also expressed overwhelming support for the project, as I have stated.

In a Harris poll released this summer, 82 percent of voting Americans voiced support for the Keystone XL Pipeline project. I want to emphasize that and say it again. In a Harris poll released this summer, 82 percent of voting Americans voiced support for the Keystone XL Pipeline project. According to Harris, 9 in 10 Republicans and nearly 80 percent of Democrats and independents believe the pipeline is in our national interest.

In July, Senator LANDRIEU and I led a bipartisan group of our colleagues to introduce a concurrent resolution declaring the Keystone XL Pipeline project in the national interest of the United States and calling on President Obama to approve it.

The resolution notes that every study conducted by the State Department, including the Department's draft Environmental Impact Statement issued in May, has found no significant impacts to the environment.

This is the text of S. Con. Res. 21.

Expressing the sense of Congress that construction of the Keystone XL Pipeline and the Federal approvals required for the construction of the Keystone XL Pipeline are in the national interest of the United States.

IN THE SENATE OF THE UNITED STATES

July 31, 2013

Ms. LANDRIEU (for herself, Mr. HOEVEN, Mr. PRYOR, Mr. DONNELLY, Mr. BEGICH, Ms. HEITKAMP, Mr. THUNE, Mr. RISCH, Mr. CORNYN, Mr. JOHANNS and Mr. BARRASSO) [a bipartisan group] submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources.

CONCURRENT RESOLUTION

Expressing the sense of the Congress that construction of the Keystone XL Pipeline and the Federal approval required for the construction of the Keystone XL pipeline are in the national interest of the United States.

Whereas safe and responsible production, transportation, and use of oil and petroleum products provide the foundation of the energy economy of the United States, helping to secure and advance the economic prosperity, national security, and overall quality of life in the United States;

Whereas the Keystone XL pipeline would provide short- and long-term employment opportunities and related labor income benefits, such as government revenues associated with taxes;

Whereas the State of Nebraska has thoroughly reviewed and approved the proposed Keystone XL pipeline reroute, concluding that the concerns of Nebraskans have had a major influence on the pipeline reroute and that the reroute will have minimal environmental impacts;

Whereas the Department of State and other Federal agencies have conducted extensive studies and analysis over a long period of time on the technical, environmental, social, and economic impact of the proposed Keystone XL pipeline;

Whereas assessments by the Department of State found that the Keystone XL pipeline is ''not likely to impact the amount of crude oil produced from the oil sands'' and that ''approval or denial of the proposed Project is unlikely to have a substantial impact on the rate of development in the oil sands'';

Whereas the Department of State found that the incremental life cycle greenhouse gas emissions associated with the Keystone XL project are estimated in the range of 0.07

to 0.83 million metric tons of carbon dioxide equivalents, with the upper end of this range representing 12/1,000 of 1 percent of the 6,702,000,000 metric tons of carbon dioxide emitted in the United States in 2011;

Whereas after extensive evaluation of potential impact to land and water resources along the 875-mile proposed route of the Keystone XL pipeline, the Department of State found, ''The analyses of potential impacts associated with construction and normal operation of the proposed Project suggest that there would be no significant impacts to most resources along the proposed Project route (assuming Keystone complies with all laws and required conditions and measures).'';

Whereas the Department of State found that ''[s]pills associated with the proposed Project that enter the environment are expected to be rare and relatively small'' and that ''there is no evidence of increased corrosion or other pipeline threat due to viscosity'' of diluted bitumen oil that will be transported by the Keystone XL pipeline;

Whereas, the National Research Council convened a special expert panel to review the risk of transporting diluted bitumen by pipeline and issued a report in June 2013 to the Department of Transportation in which the National Research Council found that existing literature indicates that transportation of diluted bitumen proposes no increased risk of pipeline failure;

Whereas plans to incorporate 57 project-specific special conditions relating to the design, construction, and operations of the Keystone XL pipeline led the Department of State to find that the pipeline will have ''a degree of safety over any other typically constructed domestic pipeline''; and

Whereas, the Department of State found that oil destined to be shipped through the pipeline from the oil sands region of Canada and oil shale deposits in the United States would otherwise move by other modes of transportation if the Keystone XL pipeline is not built: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) construction of the Keystone XL pipeline will promote sound investment in the infrastructure of the United States;

(2) construction of the Keystone XL pipeline will promote energy security in North America and will generate an increase in private sector jobs that will benefit both the regions surrounding the Keystone XL pipeline and the United States as a whole; and

(3) completion of the Keystone XL pipeline is in the national interest of the United States.

I have worked toward approval of the Keystone XL Pipeline—first as the Governor of North Dakota and now as a Senator—because I believe it is just the kind of project that will grow our economy and create the jobs our country so desperately needs, and it will do so with good environmental stewardship. At the same time, it will reduce our dependence on the Middle East for oil, which is what the American people have sought for decades.

The Keystone XL Pipeline project is long overdue. For the benefit of our economy, our environment, and our long-term energy security, this project needs to be approved and it needs to be approved without delay.

As I say, we can do these things. We can do these things and so much more, but it takes a bipartisan effort. It takes bipartisanship. We have to find a way to tackle these tough issues for the benefit of the American people and we have to do it in a way that has always been the hallmark of this institution—the Senate—and that is on a bipartisan basis.

Earlier today I read accounts I received from citizens of my State who have been impacted adversely by ObamaCare. ObamaCare is an example of what I am talking about, an example of something that was passed on a partisan basis rather than on a bipartisan basis. So when we look across this great country, it is very understandable why the public support is not there. This was a policy passed solely with votes from one side of the aisle, in the House and in the Senate. We need to pass legislation in a bipartisan way. We need policies for this country, particularly on these big issues, that can garner bipartisan support if we expect the American people to truly support the policies as well.

I would like to read several more accounts, true stories, that I have received in my office from people from our State about the impact that ObamaCare is having on their lives. The first one comes from Crystal, ND. It is a frustrated senior, not eligible for Medicare, seeking ways to cut back to afford ObamaCare. This individual writes:

Just who is this health care reform law helping? My insurance broker, American Family, is no longer carrying medical insurance—so they lose. The average American that goes out and earns a paycheck—he loses. Doctors don't like it, so how many new doctors will there be? I just got off the phone with the insurance brokerage company that has taken over my former broker's customers. I learned that if I sign up before the end of the year, I can save by NOT having maternity coverage (what a laugh!). But, after 2014, I HAVE to have maternity coverage! Can you see all of us senior citizens walking around pregnant? So, with the cheapest coverage I WILL be paying $473 MORE per month than my current coverage, and my premium will be $1,288.00 per month! That's a 37% increase per month! Next year, the rate will increase to cover maternity. And, if you have children under 18, you HAVE to have dental, and maybe vision too. I already try to conserve on our monthly expenses, have heat set to 55—and when guests are here, I set it to 65. I turn lights off, don't smoke, don't drink (even quit drinking pop). I don't eat out, don't even go out to drive to get the mail every day, and don't buy new clothes, and don't go to visit family like I used to. What should I cut out of our monthly expenses? Take weekly showers? Get the mail once a week? Eat once a day? Hibernate? Get a third job? Cut out the grandkids' events? So, ''affordable health care''. . . . I wonder how many heart attacks there will be after Americans open up their health insurance bill in 2014, and even more in 2015! Cause it will be a shocker.

Here is another story from an independent North Dakotan in Minnewaukan who suggests seceding from the Union over ObamaCare.

I would like you to know what the health care reform law is doing for my family. The insurance company we have had since 1994 is no longer going to offer health insurance, starting April 2014. When I called to get quotes to replace my current health insurance policy, I learned I would have to pay $200 more for a plan with a deductible that is twice the amount that I currently have. Then, when I eventually have to go on an ObamaCare policy, I will have to pay for maternity, which I haven't had for 17 years and have not needed. Plus, I will have to pay for children's dental and vision, which my family won't be able to use because my children are 18 and 20 years old. The health reform insurance policy will cost me twice as much as I am paying now. So, please tell me how this is going to help me! The only thing this is doing is giving another freebee to those who choose not to work. This is very frustrating, and I am starting to believe that seceding from this Union and making our country much better for the residents of North Dakota. We certainly have enough of our own resources to take care of ourselves. I hope you are trying to change the health care reform bill.

Here is one from a hardware store owner who is unable to grow his business due to ObamaCare.

I just received my renewal from Blue Cross Blue Shield for my 5 employees, and the premium for the same coverage went up from $2,179.50 per month to $3,090.40 per month. I am a small town hardware store owner. Where is this money to come from? I am so frustrated by the lack of understanding that our country's government officials have regarding the policies they create. It appears we all need to go on welfare [to survive]. Most people [who] work and generate the money are feeling hopeless. I don't think you have a clue as to the frustration that is out here. I was looking to expand and grow my business, but the drain I believe ObamaCare will have on the already strained economy will be much greater than in the Great Depression.

So, as a small business owner, why should I invest in the future? So our U.S. Government can continue its ''business as usual?'' I think not.

I present these stories and others I presented earlier in the day, along with those from my colleagues, because they are real stories from real Americans across the country who are suffering because of ObamaCare. We have put forward the kind of market-based solutions to replace ObamaCare that empower people—empower them to choose their own health care insurance and their own health care provider—and we need to go to work to provide the right kind of health care reform. We need to do that on a bipartisan basis.

I think that by presenting these stories, it is not just a case of Members of the Senate or Members of Congress saying: Hey, this is what I think is happening. These are real stories. These are people telling us what is happening to them in their lives and we need to take heed and we need to address the very real and very valid concerns they are raising and we can do it. We absolutely can do it.

I come back to where I started my comments after our last vote. We are here today voting on nominations. Due to the change in the Senate rules by the majority party, advise and consent no longer requires participation or any votes whatsoever from the minority party. That creates a situation now where judges, other nominees can be

approved solely by one party. We have seen what happens when one party and one party alone can confirm appointees or can pass laws such as ObamaCare. It doesn't work. It doesn't work for our country. That is why the Senate was set up to require bipartisanship, to require consensus so as we pass the important policies and laws that will help lift our country and move it forward, we have the broad base of support from both sides of the aisle across this great Nation. That is what is required to make things work.

That is why it is incumbent on all of us in this institution to reach out and find ways to make sure we have that bipartisanship so we create the kind of policies that will truly move our country forward. That is what the American people have sent us here to do.

I see my esteemed colleague from the great State of Utah is on the Senate floor and at this time I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have certainly enjoyed the remarks of the distinguished Senator from North Dakota. He has done a terrific job in the Senate and made a real difference, and I personally appreciate it very much.

We all know we are here for one basic reason: I believe our friends on the other side believe that by creating this kind of a fuss and problem, they can get off of the issue of ObamaCare, which is a disaster, and everybody knows it, including them.

The fact is that I think they have gone from one extreme debacle to another in their desecration of this body by getting rid of a rule that is absolutely critical to this body—a rule of protection to the minority.

I can hardly wait for those on the other side of the aisle, who have never been in the minority, to get in the minority and realize what they have done is basically destroyed the thing which has made the Senate the greatest deliberative body in the world.

The cloture rule—rule XXII—was put in place to allow the majority to end filibusters. In the early part of the last century they couldn't get anything done, so they came up with rule XXII so they could invoke cloture, end the debate, and get back to whatever the Senate decided was the appropriate business. It has worked amazingly well and it would continue to work amazingly well, except for the fact that our colleagues on the other side have made the Senate no better than the House of Representatives.

The Senate was always supposed to be different from the House of Representatives. It was supposed to be the body that would be more deliberative. It was Washington who said to Jefferson that the Senate is the saucer which cools the tea. They were right. The Senate is the saucer which should cool the tea. It should cool debates around here. But now it is just whatever the majority wants, and they vote in unison. They vote in unison because they are supported in unison by a number of very well-heeled groups, especially including the unions, which Democrats are basically afraid of crossing. It is a pitiful shame.

I would like to chat just a little bit about this filibuster because it is a time-honored instrument which both sides have used. But I think there have been gross misrepresentations of what the filibuster is by the leadership of the other side, and these gross misrepresentations should never have been spoken on the floor. I don't know how they keep a straight face when they do it.

On November 21, 2013, the majority used a premeditative parliamentary gimmick to change more than two centuries of Senate confirmation practice. As a result, for the first time since 1806, the minority cannot extend debate on any nominations except for those that go to the Supreme Court. Democrats accomplished this on a purely party-line vote and by a maneuver designed to avoid scrutiny.

It would be hard to imagine a crisis so grave, a conflict so intractable that the only option was to fundamentally alter the very nature of this institution and further politicize the very confirmation process. I am here to say that the crisis the majority said could only be solved that way never existed.

The majority leader claimed on November 21 that this crisis was, as he put it, caused by ''unprecedented obstruction'' of nominations to both the judicial and the executive branches.

More specifically, he said there had been 163 filibusters of judicial and executive branch nominations, half of them during the Obama administration.

By the way, that is totally false and they know it. I don't know how they can stand on the floor and make these bald-faced assertions.

The only solution to the problem, the leader said, was simply to ban nomination filibusters.

I notice the majority leader made no attempt to either define the filibusters he was counting or to identify the nominations on his filibuster list. That was an odd omission because doing so would surely have proved his point. Wouldn't it? No.

There was a very good reason the majority leader simply threw out a big number and did identify the filibusters he claimed justified rigging the confirmation process. If he had simply listed those filibusters, we all would have seen dozens and dozens of nominations the Senate had confirmed, many without opposition at all.

Since I took my first oath of office on January 3, 1977, the Senate has confirmed more than 1,700 nominations to the U.S. district courts, the U.S. courts of appeal, and the U.S. Supreme Court, and they have defeated two—two—in all of that time the last 37 years. We confirmed 78 percent by unanimous consent without any rollcall vote at all. Two-thirds of the rollcall votes we did take were unanimous. Think about that. Where is the problem?

No President gets every single appointment he or she wants, but every President gets the vast majority.

During his first term, for example, President Obama was 30 percent behind his predecessor in nominations. They were sloppy in putting forth nominations. But he ended up only 10 percent behind in confirmations. That could only mean the Senate handled his judicial nominations efficiently.

During his second term, so far the Senate has confirmed more than twice—twice—as many judicial nominees as it had by this point in President Bush's second term.

The Congressional Research Service says the Senate is confirming President Obama's appeals court nominees faster than the Senate confirmed President Bush's. In fact, President Obama has already appointed one-quarter of the entire Federal judiciary.

I can also comment on how executive branch nominations referred to the Finance Committee have been handled. Nearly 80 percent of the nominations sent to the committee during the 112th Congress have so far been confirmed.

Looking at executive branch filibusters overall, the same Democratic leaders who last month voted to abolish nomination filibusters voted to filibuster President Bush's nominees to be Assistant Secretary of Defense and EPA Administrators and twice voted to filibuster his nominees to be a U.N. Ambassador.

They must have thought very differently back then about whether the President deserves his team. We have heard a lot about that from current Democrats. Their actions then spoke more loudly than their words do today about whether they think all nominees do deserve an up-or-down vote. Look at the past. Look at what they have done. It is hypocritical.

However, the majority will not acknowledge those facts and others like them because those facts do not fit the spin they are putting on this.

It is hard, after all, to claim an obstruction crisis when so many nominees are confirmed and are being confirmed. So the majority instead makes a claim about what they call filibusters because that sounds bad to most people, and most people will not know whether the claim is even true. Calling something a filibuster does not make it so.

A filibuster occurs when the Senate cannot vote on passage of legislation or confirmation of a nomination because an attempt to end debate on it fails. That is why filibuster reform always focuses on making it easier to end debate.

The filibuster rule XXII came about after the turn of the last century because they couldn't get anything done in the Senate and they needed a way of bringing things to cloture so they could vote. We are headed into the same kind of disaster without this important rule.

It takes two steps to detect a filibuster—a cloture motion and a cloture

vote. You can't have a filibuster without both. As we can see, a vast majority of what our leader has claimed are filibusters are not because they haven't had a cloture vote.

A cloture motion is a request to end debate and a cloture vote answers that request. A filibuster occurs when a cloture vote fails and debate cannot be ended. That is the definition of a filibuster.

Some people listening to this might already be wondering whether these details matter, whether the difference between a cloture motion and a cloture vote or the definition of a filibuster are all that important after all. I am here today to say these details do matter because the truth matters.

The truth matters when Senators claim there is a crisis that needs a solution when there isn't.

The truth matters when the majority prohibits the very tool they used so successfully in the past against Republican nominees.

The truth matters when the entire confirmation process is going to be rigged and the judiciary further politicized—such as the DC Circuit Court of Appeals.

I have been on the Judiciary Committee 37 years. I chaired that committee. I was ranking on that committee. I can tell you never in the history of that committee has it been so brazenly ignored.

The truth matters because the American people need to know what their Senators are doing.

The truth was in short supply on November 21. The majority leader claimed 168 filibusters, but he was not counting filibusters at all. The majority leader was counting cloture motions, not filibusters. He had the habit of calling up a bill and almost immediately filing cloture as though there was a filibuster, when nobody intended to filibuster. Then, in prior years, he would fill the parliamentary tree so in the greatest deliberative body in the world we could not have amendments. The minority could not have amendments.

There is a time to fill the tree, but it is only after there has been a full and fair debate and amendments have had their opportunity to be brought forward. They do it to cut off amendments—unless the majority leader approved of whatever the amendments were.

I think it is nice to protect your fellow Senators on the majority side with legitimate ways of doing it, but this isn't one of them. That alone is causing a lot of discontent on our side because the majority leader was counting cloture motions, not filibusters, and claiming they were filibusters when they weren't. He was counting requests to end debate, not the answers to those requests.

Most people probably do not know that the majority leader files nearly all cloture motions—as he did just a few days ago—by adding 10 more to the list. So if the majority leader claims there are too many cloture motions filed on nominations, he has only himself to blame.

Under President Obama, half of the cloture motions filed on nominations do not result in a cloture vote at all. The rest just vanish into thin air, obviously, because they never should have been filed in the first place. Yet that is a scheme used by the other side, and then they claim this side is being obstructionists.

Two-thirds of the cloture votes that do occur on nominations pass. There has been no discussion of that by the other side. Two-thirds of them pass, preventing filibusters altogether.

Here is the filibuster fraud: The majority leader has been using the cloture rule more effectively than in the past—or should I say more obnoxiously than in the past—to prevent filibusters of President Obama's nominations while telling us about unprecedented obstruction. The truth is exactly the opposite of what he has claimed and what other Democrats on the other side of the aisle have claimed.

Perhaps the most astounding fact of all is that nearly 90 percent of Obama nominees to the executive or the judicial branch on whom cloture motions were filed have been confirmed. The majority told us that this was about obstruction, about how the minority was using the filibuster to prevent President Obama from appointing people. It is no wonder that the majority leader did not show the list of the nominations he claims have been filibustered. The claims are a fraud.

The majority created this crisis and damaged this institution by claiming that ending debate is really a filibuster and that confirming nominations is really obstructing them. Up is down, left is right, and confirmations are filibusters.

All of this is more than a little ironic since the Democrats were the ones who pioneered using the filibuster to defeat majority-supported judicial nominees. The first judicial nominee with clear majority support to be defeated by a filibuster was Miguel Estrada in 2003, one of the finest lawyers in the country. They didn't want him on the DC Circuit Court of Appeals because they knew getting on that court is a fast track to the U.S. Supreme Court. In fact, Democrats were so intent on keeping him off the DC Circuit that they filibustered Miguel Estrada, this Latino man, seven times—a record that stands to this day. I know. I was there. I was fighting for Miguel Estrada, as were all Republicans.

As of November 21, when the majority said there was an unprecedented filibuster crisis, there had been 12 cloture votes on Obama judicial nominations and 6 of them had failed. In other words, there was no obstruction. At that same point in the Bush administration, there had been 26 cloture votes on judicial nominations, and 20 of them had failed. Democrats used the filibuster to defeat Republican nominees to the Fifth Circuit, the Sixth Circuit, and the Ninth Circuit.

Three-quarters of all votes for judicial nomination filibusters in American history have been cast by Democrats, and they have the gall to stand on this floor and suggest that Republicans are using the filibuster to stop nominees.

The majority leader alone—at least before complaining of too many filibusters—voted no less than 26 times to filibuster Republican judicial nominees. As I said, the same Democratic leaders abolishing nomination filibusters today voted to filibuster President Bush's nominees to be Assistant Secretary of Defense and EPA Administrator and twice voted to filibuster his nominee to be United Nations Ambassador. I do not know what the majority understands the word ''unprecedented'' to mean, but this certainly is not it. This is why the truth matters.

As of November 21, when the majority leader claimed that there had been 168 nominations filibusters, only 56 cloture votes on executive or judicial nominations had ever failed and only 17 of those filibustered nominees had not been confirmed. The crisis that the majority claimed turns out to be a myth, a tale for the fiction section of the library. This is why the truth matters.

Let's not forget what the majority did on November 21. Rule XXII, the one that provides a way to end debate, is a written rule, a time-honored rule. It says what it says, and it says that ending debate on any matter before the Senate, with the exception of rules changes, requires three-fifths of all Senators. It said that on November 21, and it says that today. The technical term for what the majority leader did that day was to raise a point of order, but in practical terms, the majority leader asked the Presiding Officer to say that three-fifths actually means a majority vote. He might just as well have asked the Presiding Officer to say that Christmas is on December 29 or that the Nation's Capital is in Salt Lake City, UT. The Presiding Officer stated the obvious, that three-fifths means three-fifths, because that is what the rule says. That is what the Presiding Officer, advised by the Parliamentarian of the Senate, said—three fifths means what it says: three-fifths. That is what the rule says.

By a purely party-line vote, the majority said otherwise—that three-fifths is actually a majority—by overruling their own colleague in the Chair. This sounds absurd because it is. Now we are forced to act as if we cannot read, to suspend the most basic ability to understand the English language and set aside our common sense. We are forced to pretend that the rules of this body say what they do not mean and mean what they do not say. This, frankly, reminds me of ''The Wizard of Oz,'' where Dorothy and her friends were before the image of what they thought was the great and powerful Oz. Her dog Toto pulls on the curtain to reveal a

little man frantically operating dials and buttons and speaking into a microphone. The image commands: ''Pay no attention to that man behind the curtain.''

On November 21 the majority told each of us to pay no attention to the three-fifths in the cloture rule. That was quite a trick. The real question was why the majority would concoct such a fraud in order to rig the confirmation process. What could be so important that the majority would go through such contortions, peddle such myths, and play such word games? It certainly was not to solve a filibuster crisis, that is for sure. No, it was for a much more base political reason.

The President and the majority here in the Senate deliberately set up this political confrontation in order to implement a political agenda that could not get through Congress. That agenda requires actions and decisions by the two groups of Federal officials who are not directly accountable to the American people: bureaucrats in the executive branch and judges in the judicial branch.

The President appoints those two categories of officials but only with the consent of the Senate. For more than 200 years the process of deciding whether to give that consent included the right of the minority to slow things down and, yes, even block the most controversial nominees.

I have given you the numbers. Only 17 executive or judicial nominees who were filibustered were not eventually confirmed. But the majority wants it all. They want a clear path to stacking the executive branch with officials who will issue the rules and stacking the judicial branch with judges who will approve those rules.

The DC Circuit Court of Appeals is a perfect illustration of where much of the regulations are evaluated by the courts, and they want them decided in favor of President Obama. They want the courts to legislate from the bench that which they could never get through the Senate or the House of Representatives. This is a power grab—nothing more, nothing less. It appears that the ends justified the means, that short-term political gains justified long-term institutional damage.

I urge my colleagues, from the freshmen to the senior Members, to take some guidance from our own predecessors. Senator Mike Mansfield, a leading Democrat, majority leader in the Senate, had served in the minority and later became majority leader. In 1975, when Senators also proposed forcing a rules change by simple majority, he said that this tactic would ''destroy the very uniqueness of this body . . . and diminish the Senate as an institution of this Government.'' It would, he said, ''alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it.'' That was the Democratic leader in the Senate, a man of unquestionable integrity.

As I have explained here today, the majority has certainly not provided any justification for doing away with the filibuster rule either. There is no filibuster crisis. I think I have made that case. There is only a desire by the majority to win every time, to have everything they want when and how they want it. Most of the executive and judicial branch nominations the majority claims were filibustered were actually confirmed. Even in this town, known famously for masterful spin, that will surely go down as legendary. The majority abolished nomination filibusters by claiming nominations that were confirmed were actually obstructed—when they were confirmed. This amounts to filibuster fraud. That is why we are here today, because the truth matters. The integrity of the Senate matters.

I can only hope there is time for those two concepts to still prevail. What the Democrats have done here is not only extremely dangerous, it is outrageous. They have taken one of the things that really make the Senate the great body that it is and have desecrated it. They have done it because a number of the Democrats over here have never been in the minority. They do not realize how awful that rule-change is. They do not realize that the filibuster is a rule of freedom that protects the minority and makes the Senate debate on these matters.

I once said I would fight to my death for the filibuster rule because it is what makes the Senate different from the House of Representatives. The House of Representatives is the people's body. They can do anything once they get a rule and get 50 percent plus one of the votes—anything. It was structured that way. The Senate was structured another way. Our young new Senators on the other side don't seem to understand that.

I have chatted with a number of more senior Senators who have been through being in the minority, who have been through some of the battles here. Let me tell you, they are as concerned as I am that this body is totally damaged by this breaking of the rules, destroying the rules for purely partisan purposes. They can talk about how they just want the Senate to work all they want to. The Senate is never going to work as well without this rule. The minority will never be protected as well without this rule.

I have to say that I hope we can get this rule put back in place. Even though it is a disadvantage to Republicans right now because they now have three more liberal judges on the DC Circuit Court of Appeals, which was divided four to four, Republicans appointees to Democrat appointees—four to four. Now they stack it, the most important court in the country as far as regulatory affairs are concerned and administrative law is concerned, so they can pass through that court the Obama administration's regulatory measures and desires without having to face real debate.

There was a reason why the Founding Fathers created the three separate governmental powers, because each of those powers is to protect our country. They are making it so that regulatory matters, administrative matters, and so forth there is really only one-sixth who are Republicans.

ORDER FOR CORRECTION

Mr. HATCH. Mr. President, there was an incorrect reference to the House bill number in a consent agreement earlier today with respect to the Fallen Firefighters Assistance Tax Clarification Act. I ask unanimous consent that the previous order be modified to reflect the correct House bill number—H.R. 3458.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Brian Morris, of Montana, to be United States District Judge for the District of Montana? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. BLUNT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 75, nays 20, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—75

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

NAYS—20

Alexander	Enzi	Risch
Barrasso	Fischer	Roberts
Boozman	Hoeven	Scott
Chambliss	Isakson	Sessions
Corker	Johanns	Shelby
Cornyn	McConnell	Vitter
Crapo	Paul	

NOT VOTING—5

Blunt	Inhofe	McCain
Graham	Kirk	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Susan P. Watters, of Montana, to be United States District Judge for the District of Montana.

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. 10]

Alexander	Enzi	Mikulski
Baldwin	Feinstein	Murkowski
Barrasso	Franken	Murray
Begich	Gillibrand	Nelson
Blumenthal	Harkin	Portman
Blunt	Hatch	Pryor
Booker	Heller	Reed
Boxer	Hirono	Reid
Brown	Hoeven	Risch
Cantwell	Isakson	Rockefeller
Cardin	Johnson (SD)	Sanders
Carper	Johnson (WI)	Schumer
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Klobuchar	Stabenow
Coburn	Landrieu	Thune
Cochran	Leahy	Toomey
Collins	Lee	Udall (CO)
Coons	Levin	Warner
Corker	Markey	Warren
Crapo	McConnell	Whitehouse
Cruz	Menendez	Wicker
Donnelly	Merkley	Wyden

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Susan P. Watters, of Montana, to be United States District Judge for the District of Montana, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—58

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

NAYS—39

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

NOT VOTING—3

Graham	Inhofe	Kirk

The PRESIDING OFFICER. The motion is agreed to.

NOMINATION OF SUSAN P. WATTERS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Susan P. Watters, of Montana, to be United States District Judge for the District of Montana.

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

The majority leader.

Mr. REID. Mr. President, if I yield back 1 hour of the majority's time, what time would the next vote occur?

The PRESIDING OFFICER. At 9:15 p.m.

Mr. REID. I yield back 1 hour.

The PRESIDING OFFICER. The time is yielded back.

The Senator from Mississippi.

Mr. WICKER. Mr. President, we are now on Calendar No. 349, Susan P. Watters of Montana to be U.S. district judge for the District of Montana. I note on the Executive Calendar this nomination came before the Senate from the committee on September 19. It is my understanding that this nominee was cleared by our side of the aisle and could have been brought up on any Monday afternoon by a voice vote.

I think Members might be wondering and certainly people within the sound of my voice tonight might be wondering why we are spending time tonight in a protracted debate on three district court nominees—Landya B. McCafferty of New Hampshire, Brian Morris or Montana, and now Susan Watters of Montana to be confirmed—when there has never been a district court judge in the history of our Republic prevented from serving because of a filibuster.

To me, we have gotten to this point because of the heavyhanded overreach of the majority in trampling on the rights of folks on our side of the aisle. We find ourselves—temporarily, I hope—in the minority. That has a way of changing from time to time. But it is the sort of overreach that I am reminded of from 2009 when a supermajority in both Houses rammed through ObamaCare and caused all of the grief that we currently are facing and that real, live Americans are having with the so-called Affordable Care Act.

It actually might be in one way beneficial that we are spending this time on something that could have been done so quickly because it gives us an opportunity to point out that we should be right now, at this moment, working on the National Defense Authorization Act and also on the budget—two matters that are pending that must be addressed by this Senate before we can go home and take a day or two with our constituents and loved ones for the Christmas holiday. But it gives me an opportunity, as the budget comes over tonight from the House of Representatives, to point out one of the most onerous provisions in the budget, which has just passed with sweeping bipartisan support in the House of Representatives.

I will stand before this body tonight and say that I cannot vote and will not vote for this budget, and I hope that even yet Members of the Congress and the American public will listen to the broken promise that is contained in this budget that will be coming forward. We will perhaps get back to the nomination in a moment.

We should note two things about this budget. It asks for an additional contribution for pensions for Federal employees, but it does not do it to current Federal employees. As you enter the Federal service after the beginning of the year, you pay an additional amount that is withheld from your paycheck for your pension. That is hard to do, it is distasteful to do, but at least it is fair to the people who join the Federal service under one set of rules.

On the other hand, the budget that comes over to us from the House of Representatives and that I will oppose when it eventually does come up for a vote hopefully next week does to retired servicemen what we were persuaded not to do to Federal employees: It breaks a promise to retired service people who have already served their time. This is what it does. It says to every retired servicemember under the age of 62: You are not going to get your COLA anymore. Each year until you get to be 62, you are going to get your COLA, less 1 percent. I can tell you