

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

that this is not a matter of nickels and dimes to the people who have stepped forward, joined the military, volunteered for a career in the military, done their 20, and now are going to be told, if this budget passes next week: We are sorry. We are changing the rules way after the game has begun.

I ask unanimous consent to have printed in the RECORD a letter to me from VADM Norb Ryan, U.S. Navy, Retired, president of the Military Officers Association of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR WICKER: On behalf of the over 380,000 members of the Military Officers Association of America (MOAA), I am writing to express our strong opposition to the proposal within the Bipartisan Budget Act of 2013 which penalizes future uniformed service retirees and current retirees under the age of 62.

Even though the budget deal would help ease the harmful effects of sequestration for two years for the Department of Defense—something we support—doing so on the backs of service members who serve our Nation for over 20 years is just shameful.

Reducing working age retiree annual cost-of-living adjustment by one percent until they reach the age of 62 is simply a tax.

Service members who retire at the 20 year point would feel the full negative financial effects of the proposal by reducing their retired pay by nearly 20 percent by the time they reach age 62.

For example, an Army Sergeant First Class (E-7) retiring this year with 20 years of service would see an average loss of over \$3,700 per year by the time he or she reaches age 62—a cumulative loss of nearly \$83,000. For a Lieutenant Colonel (O-5), the average annual loss would be over \$6,200—a cumulative loss of over \$124,000.

This proposal also flies in the face of the principles that guide the ongoing congressionally-mandated review of military compensation and retirement.

Congress wisely removed the BRAC-like, “fast-track” rule so that the appropriate committees would have adequate time to assess impacts that any recommended changes to the retirement system would have on retention and readiness.

In addition, the guiding principles to the Military Compensation and Retirement Modernization Commission (MCRMC) include a grandfather clause to protect current retirees and service members from any changes to their retirement which this proposal blatantly disregards.

Currently serving members look at how they, their families, retirees, and survivors have been treated when making career choices. If Congress arbitrarily cuts the retirement benefit for those who have served their country for over 20 years, there could be an unintended impact on uniformed service career retention, and ultimately, national security.

Sincerely,

VADM NORB RYAN, USN (Ret),

President,

Military Officers Association of America.

Mr. WICKER. Let me point out what the retired vice admiral says.

On behalf of the 380,000 members of the Military Officers Association of America, I am writing to express our strong opposition to the proposal within the Bipartisan Budget Act of 2013 which penalizes future uniformed service retirees and current retirees under the age of 62. Even though the budget deal

would help ease the harmful effects of sequestration for 2 years for the Department of Defense, something we support, doing so on the backs of servicemembers who served our Nation for over 20 years is just shameful.

I would interject at this point that I have to agree with that statement.

The vice admiral goes on to say:

Reducing working age retiree annual cost of living adjustment by 1 percent until they reach the age of 62 is simply a tax. Servicemembers who retire at the 20-year point would feel the full negative final effect of the proposal by reducing their retired pay by nearly 20 percent by the time they reach the age of 62.

This is the pertinent part of the letter I am having printed in the RECORD, and my colleagues should hear me on this:

For example, an Army sergeant first class, E-7 retiring this year with 20 years of service would see an average loss of over \$3,700 per year by the time he or she reaches age 62, a cumulative loss of nearly \$83,000.

That is what this bipartisan budget resolution does to the retired military enlisted people who have volunteered to serve our country for 20 years and who joined under one set of rules—\$83,000 lifetime taken from this retired E-7.

For a lieutenant colonel, O-5, the average annual loss would be over \$6,200 annually, a cumulative loss of over \$124,000.

Mr. CHAMBLISS. Would the Senator yield?

Mr. WICKER. I will yield on this, absolutely, to my friend.

Mr. CHAMBLISS. I know the Senator from Mississippi was on Active Duty in the Air Force for several years and has stayed in contact with many members of the military not just as a result of his service on the Armed Services Committee but because he is very keenly interested in the welfare of the men and women in our military.

If I am hearing the Senator from Mississippi correctly on this particular issue, what he is saying is that an E-7 who served in Iraq, served in Afghanistan, conceivably served multiple tours in Iraq and Afghanistan, maybe even was awarded major meritorious recognition, is now going to have the promise that was made to him about his retirement reduced retroactively. Do I understand that correctly?

Mr. WICKER. The rules, if this budget passes and is signed into law by President Obama, will be changed on this individual retroactively. The result will be that, instead of the retirement pay he signed up for and agreed to under the law when he did his duty, he will experience an \$83,000 loss, lifetime.

Mr. CHAMBLISS. Mr. President, again if I may inquire of the Senator, you, as I say, have been very close to any number of military personnel through the years you have served in this body as well as your service in the Mississippi Legislature. Just by virtue of the fact of practicing law in Tupelo, MS, what is the opinion of the Senator from Mississippi as to the morale influ-

ence a provision such as this is going to have on our men and women in the military, not just those who are retired but Active-Duty military today?

Mr. WICKER. I can only imagine that it is a severe blow to morale. Also, it has to make people who are willing to step forward and risk their lives, be separated for months and years from their loved ones, it has to make them wonder, what else is being promised to me that is going to be taken away?

Mr. CHAMBLISS. The Senator also mentioned the reduction in Federal retirement pay—and we have to figure out ways to save money. We all know and understand that. There is a change in the pension for Federal retirees, but it is all prospective going forward.

Mr. WICKER. Right. We do not do anything to any other Federal employee retroactively, only the military in this budget. I cannot imagine how the public could think that is fair.

Mr. CHAMBLISS. I am very sympathetic, even though I never served on Active-Duty in the military as you did. But this is very strange. It is very difficult to understand why we would penalize the men and women who have worn or do wear the uniform of the United States versus a very similar provision for the men and women who serve the Government of the United States in a very honorable way, but we are treating them very differently, it seems like almost discriminatorily.

Mr. WICKER. I will tell you who else believes it is discriminatory. I have a list of members of the military coalitions listed in a letter to the Honorable HARRY REID and the Honorable MITCH MCCONNELL dated December 11, 2013. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION

Alexandria, VA, December 11, 2013.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY AND MINORITY LEADERS: The Military Coalition (TMC), a consortium of uniformed services and veterans associations representing more than 5.5 million current and former servicemembers and their families and survivors, appreciates the Bipartisan Budget Act of 2013 which helps to ease the harmful effects of sequestration on the defense budget; however, we wish to express our grave concern and strong objection to the proposal within the Act that specifically seeks to penalize current and future military members who have served our nation for over twenty years.

The 1 percent annual reduction to uniformed service retired pay Cost of Living Adjustment (COLA) will have a devastating financial impact for those who retire at the 20 year point by reducing retired pay by nearly 20 percent at age 62.

While portrayed as a minor change, a 20 percent reduction in retired pay and survivor benefit values is a massive cut in military career benefits and an egregious breach of faith.

The Coalition believes that service in uniform is unlike any other occupation. Roughly one percent of the nation's population is

currently serving and shouldering 100 percent of the responsibility for our wartime and national security requirements. The benefits connected with this service have been earned through 20 or more years of arduous military service.

Ending the harmful effects of sequestration is a top priority for our nation's security and military readiness, but to tax the very men and women who have sacrificed and served more than others is simply a foul.

Congress mandated the Military Compensation and Retirement Modernization Commission (MCRMC) in the FY 2013 National Defense Authorization Act and wisely removed the "BRAClike", fast-tracking rule so that the appropriate committees would have adequate time to assess any recommendations that could significantly impact retention and readiness. Moreover, any changes that the MCRMC recommends will grandfather the existing force and retirees to keep promises that have been made by our nation's leadership.

This radical proposal basically kills the grandfather-concern addressed by both Congress and the Administration and actually eliminates the appropriate review process failing to consider longterm readiness and retention outcomes in order to meet an arbitrary deadline so that Congress can go home for the holidays.

The Secretary of Defense succinctly warned on July 31, "It is the responsibility of our nation's leadership to work together to replace the mindless and irresponsible policy of sequestration. It is unworthy of the service and sacrifice of our nation's men and women in uniform and their families."

The Military Coalition shares the Secretary's concerns.

Currently serving members look at how they, their families, retirees, and survivors are being treated when making career decisions. If Congress arbitrarily cuts the retirement benefit for those who have served their country for over 20 years, there could be a lasting adverse impact on uniformed service career retention, and ultimately, national security.

Sincerely,

THE MILITARY COALITION.

Mr. WICKER. I simply say, in answer to the distinguished Senator from Georgia, here are the groups who are expressing outrage, dismay, and strong opposition to this provision:

The Air Force Sergeants Association; Air Force Women Officers Associated; AMVETS; AMSUS; Association of the United States Navy; Chief Warrant Officer and Warrant Officer Association, U.S. Coast Guard; Commissioned Officers Association of the U.S. Public Health Service, Inc.; Enlisted Association of the National Guard of the United States; Fleet Reserve Association; Gold Star Wives; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the United States of America; Marine Corps League; Marine Corps Reserve Association; Military Officers Association of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Guard Association of the United States; National Military Family Association; Naval Enlisted Reserve Association; Society of Medical Consultants to the Armed Forces; the Military Chaplains Association of the United States of America; the Retired Enlisted Association; United States Army Warrant Officers Association; United

States Coast Guard Chief Petty Officers Association; Veterans of Foreign Wars of the United States; and Vietnam Veterans of America.

This distinguished list of organizations consisting of members and former members of the U.S. military have registered their opposition.

I can only hope at this point that Members of the Senate will listen. This is a so-called savings of \$6 billion out of an \$80 billion package.

Surely we could find \$6 billion without putting an \$80,000 penalty on the back of an E-7 retired enlisted person who is not rich, who served honorably under one set of rules and who has been now told sorry.

I have to say when people see the government not keeping its promises, I think it is destructive to our system of government. It is exactly the sort of thing we are seeing with ObamaCare. It is not being overly repetitive to remind my colleagues that the President of the United States, Barack Obama, repeatedly, over and over, promised the American people that they could keep their insurance.

For example, in a speech at the American Medical Association on June 15, 2009, President Obama stated:

That means that no matter how we reform health care, we will keep this promise to the American people: If you like your doctor, you will be able to keep your doctor, period. If you like your health care plan, you'll be able to keep your health care plan, period. No one will take it away, no matter what.

These are the words of the leader of the free world. Of course, we know from story after story of real people who are being hurt by this law that time after time after time again, in thousands of homes across the United States of America, that promise, just as the promise made to the servicemen, is being broken.

If the Senator from Georgia will indulge me, let me give one example of a family of real individuals, honest, hardworking Americans who feel that another promise is being broken in the form of the so-called affordable health care.

I received an email from a father in Greenville, MS, who is concerned about his 27-year-old son. For the past 6 years his son was covered under a policy provided by Humana. When the healthy 20-year-old first received coverage, the policy protected against a major medical emergency and the cost was only \$70 a month.

The President told the American public: "If you like your health care plan, you'll be able to keep your health care plan."

According to this father in Greenville, MS, this policy is no longer available, and the plan available for his son will now cost just under \$350 per month as opposed to \$70 a month—a broken promise. The healthy 27-year-old who works in the automotive industry has been working since he was 20. He now questions whether he can afford to insure himself at all because his cost has

quadrupled. His discretionary income will now taken a huge hit—as the discretionary income of these retired heroes will take a huge hit—and the higher premiums will cause uncertainty in his family.

I know my friend from Georgia may want to give some examples of some people in his home State. Once again, in this instance, a promise has been made, a very explicit promise. In a very blatant way that promise turned out not to be the case at all.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Mississippi for giving me an opportunity to speak for a minute. I wish to get to some anecdotes, but first it has been nearly 4 years since the Democrats in the Senate and the House forced the passage of the President's signature law, the Affordable Care Act or what is commonly known as ObamaCare.

It is a title the President has embraced during the promising times and distanced himself from during the very difficult times we are going through now. It has been kind of an interesting dynamic to watch.

Instead of working in a bipartisan fashion to enact a health care law that would bring more competition into the private insurance market through market-based solutions, President Obama and the Democrats structured a deal behind closed doors across this hall that we are looking at on the west side of the Capitol. They structured that deal without any Republican input, giving the Federal Government more control over Americans' health care decisions.

The Senator from Mississippi and I were here on the floor, and we both fought tooth and nail to stop the passage of ObamaCare.

On Christmas Eve, 2009, we came to the floor of the Senate and voted against what I think is the worst piece of legislation that has passed in the Congress in the 19 years the Senator and I have been in Congress. I have been saying for years that ObamaCare caused more problems than it solved, and with the passage of every single day, that is being shown as the painful truth.

Although the White House has stood behind this terrible piece of legislation, some of my colleagues across the aisle have brought into question now the ability of it to stand on its own two feet.

Who can blame them. This has become a major political issue, not only expensive, but it is a political issue. The law continues to be marked by red flags. We have heard a few of the Democrats go as far to say even that it is a train wreck, and they are exactly right.

We have heard from the American people as well. They are rightfully upset that they have been repeatedly lied to and misled about this law by the President of the United States. The

American people don't deserve a law filled with broken promises marked by disaster after disaster. The law is fundamentally broken and Americans deserve better.

I noticed yesterday, in a hearing, the Secretary of HHS reported that nearly 365,000 individuals have selected plans from the State and Federal marketplaces, a number that is far below the administration's goal. I think their goal—and the Senator may correct me—is 7 million by the end of March.

I notice also that the State of Oregon has spent \$300 million setting up their exchange. As of this morning there were 40 people, 40 citizens of Oregon had signed up. The fact is that this law is not working. It is becoming more and more expensive every day. As we talked about in 2009, when we were debating this bill, it is going to be the largest mandatory expenditure that the U.S. taxpayer has ever seen.

The Senator is correct. I have a whole book of anecdotes and I wish to mention some.

First, Linda of Douglasville wrote to me about her dropped coverage. She said:

We lost our Gold plan. All of our costs will go up next year considerably. It is harder and harder for us to really retire!

My husband, who is 71, still has to work part time to pay for our rising costs.

Linda, from Hampton, GA, also writes:

In 1997 I retired from Motorola, Inc. after having a career there for almost 30 years. One of my benefits was a retiree secondary insurance plan, after Medicare, that provided coverage for medical and prescriptions; my monthly premium for that coverage was \$127.

Effective January 1, 2013 Motorola withdrew their insurance coverage for retirees.

Under ObamaCare they simply could not afford it. I could go on and on. I know the Senator from Mississippi has some other anecdotes that he would like to mention, and I will engage on some others on my side shortly.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I thank my colleague from Georgia. Let me mention a husband and wife in Hernando, MS. They are small businesspeople. As the Chair is aware, that is how we create jobs in the United States of America. We love it when a big manufacturing plant moves in, but it is the small businesses throughout this great land that create the bulk of the jobs, and we appreciate it.

ObamaCare has hit the small businesses so hard and hurt their ability to create jobs.

This particular small business couple in Hernando, MS, tell me their private insurance plan that they have offered their employees in the past will not be grandfathered and the new plan they are forced to offer their employees will have a 7-percent premium increase in 2014—that is real money—and a 66-percent premium increase in 2015, according to their insurance agent.

Perhaps they believed the President when he said: "If you like your health

care plan, you'll be able to keep your health care plan, period."

Perhaps they believed Members of the majority party, such as the distinguished majority leader from Nevada who said it not only means making sure you can keep your family's doctor or keep your health care plan if you like it but also that you can afford to do it.

Perhaps they believed that, but instead a 7-percent premium increase is hardly affordable at that and then a 66-percent premium increase, which is a blow. Their small group plan they offered to their eight employees currently costs \$491 per month per employee. By 2015 the plan will cost this small business couple over \$800 per month per employee.

These are real stories. These are real facts. It is going from \$491 per month per employee to \$800 per month per employee. I wonder how many jobs they will be adding to that small business. This plan doesn't include dental or vision.

They pride themselves, this small business couple, on providing their employees quality, affordable health care that they help supplement. But with the frequent changes the President is making to the law, they are uncertain whether they will be able to cover the enormous cost.

As small business owners, it is impossible for them to expand. They will not be able to hire additional employees with the uncertainty of the future.

Let me mention one other example and then perhaps Senator CHAMBLISS can have a moment to speak on some Georgians.

The next example is a family of four living in Corinth, MS, in the northeast corner of our State. They are full-time employed parents who currently do not have health care. They spent a month and a half trying to sign up for coverage for themselves and their two children. The least expensive plan they could eventually find after spending countless hours trying to navigate the Web site will cost them just under \$800. For a working family in Mississippi with two young children to care for, this cost is an almost impossible burden on this family of four.

It may be that the Senator from Georgia has examples similar to these.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. The American people want affordable health insurance. The title of the law even centers on the word "affordable." I am not sure how anybody could possibly argue that ObamaCare is affordable when the letters I am receiving from constituents over and over every single day, time and again, reference a significant increase in their total health care costs. Virtually 100 percent of the letters we are getting indicate that not only are the monthly premiums going up, but the deductible is going up, their copays are going up, and it is simply going to be more out-of-pocket expense than ei-

ther actively working individuals or retired individuals ever thought they would have to pay for health care.

Terra from Columbus writes to explain what is happening to her children.

I carry medical insurance for my two adult children because they cannot afford it on their own.

Let us remember, ObamaCare covers children up to 26 years of age.

Being one that has always had medical insurance and knowing the value of it if something bad happens, I have also made sure that they both had some type of coverage when they became adults. The sad part is I have gotten a letter on both and now their insurance will be canceled because I as their parent can no longer afford to pay it for them either. We received a letter which shows where their old policy covers everything and I mean everything, but because of ObamaCare's requirements to carry everything, a new policy will cost us twice as much each month. With me being unemployed and my husband the only one working we have no choice but to drop their coverage.

Wynell, from Roswell, GA, wrote:

My private coverage was superb. But now, my insurance premiums are going from \$319 a month to \$769 a month and not only that, my copay is increasing from \$5 to \$20 for my primary care visits and \$5 to \$50 for specialist visits. I will be responsible for \$500 per day out-of-pocket cost if I am hospitalized (before my hospital costs were included) and I will also have to pay for any tests (before all my tests were included). And apparently, subsidies do not apply to me.

Loretta, from Canton, GA, writes:

I received a letter from my insurance company dated September 25, 2013. I had until November 15 to choose to remain with my current coverage until December 2014. My rate increased by 16 percent. According to the letter, the Affordable Care Act premium will increase by 139 percent. My former plan did not include maternity. I'm 60 years old. I don't need maternity. My new plan will include maternity. My old plan was great for preventive care. I paid nothing for immunizations including tetanus and flu shots. I paid a \$30 copay for a doctor visit. My prescriptions have been very reasonable. The new plan requires a network of doctors and hospitals. The premiums were between 150 percent and 200 percent above what I'm paying now. I did not enroll but have received numerous e-mails reminding me to enroll. So far, I'm hoping I can keep my premium at the 16 percent increase for 2014. Otherwise, I will not have health insurance. I can't afford the new premium.

Kevin, from Roswell, GA, wrote:

We are a family of four. We have and want a catastrophic-only high deductible health plan with low monthly premiums and full coverage once we hit our deductible. We like our plan.

This is very typical of a lot of families who were promised by the President, if you like your plan, you can keep it.

We were paying \$500 a month until July of this year. I had bladder cancer in November of 2012 which was successfully removed and I require no follow up treatment, just biannual checkups, so I expected an increase in my premium this year. In fact, our premium did go up to \$560 a month in July. On November 1, I got the letter telling us our premium was now going to \$902 a month, a 60 percent increase. After three separate calls, I got the

information that the \$902 a month change was "Option B," which is an ObamaCare-compliant plan which covers abortion, birth control and maternity care. Since we could not have children, we adopted two kids, so that coverage is 100 percent completely unnecessary for us. "Option A" we came to find out a few weeks later, was the option to keep our plan with an increase to \$617 a month. This plan will be canceled on December 31, 2014, at which point we will be forced to get an ObamaCare-compliant plan costing much more and covering things we will never, ever need.

Now, I am sure the Senator from Mississippi has received dozens and dozens of these letters, just as we have in my office. Knowing the State of Mississippi has a lot of rural areas, as my State does—in fact, I live in a rural area—there is a huge discrepancy created by ObamaCare between insurance premiums in rural America versus insurance premiums in more urban areas. Many of these premiums and deductibles are so high that it defeats the purpose of having health insurance.

This really does hit close to home for me because I truly live in a rural part of our State. In two of the regions in Southwest Georgia designated by ObamaCare, there is only one insurer—one insurance company—that is offering coverage, and the premiums in that corner of our State are much higher than in the rest of our State. It is the poorest part of our State.

In region one, which includes Albany, GA, the least expensive silver plan for a 21-year-old healthy Georgian is \$360 a month. That is the highest rate in the State. In region 15, which is also in that part of our State, the same plan is \$330 a month.

You have to remember these are people who are paying zero today because they aren't covered. They are either going to have to pay a fine or they are going to have to take that coverage.

In metro Atlanta the cheapest silver plan for a 21-year-old is \$179.20 a month, matching the rate in regions in northeast as well as northwest Georgia, which are more populated. That is half the rate of an individual in southwest Georgia where the average median income is the lowest of any part of our state.

So needless to say, households in rural southwest Georgia often do not have the same income as those in the northwest and northeast part of the State, yet they are being stuck with the highest premiums.

I could go on and on about these anecdotes and about the serious economic consequences ObamaCare is going to cause for individuals in my State, but I want to turn it back over to the Senator from Mississippi for some additional comments.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, indeed, this does hit rural America much harder, but it hits all Americans hard.

I would ask unanimous consent if the Senator from Georgia and I may speak as if in a colloquy.

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

Mr. WICKER. I didn't hear any debate during 2009, in the extensive hours I stood on the floor and listened to the other side propose this, explaining that in situations as in Georgia, folks in the metropolitan area would pay half the premium that folks down in rural southwest Georgia would pay. That was never something the majority party, in proposing this so-called affordable act, said: Now, we are going to have to live with this, we just want you to know that.

This is a total surprise, and one of the myriad unintended consequences of this unfortunate law. Did my colleague hear any warning about that to the American people?

Mr. CHAMBLISS. The Senator is exactly right. Obviously, we both spent an awful lot of time on the floor of the Senate debating this. As we talked about, we were here voting on Christmas Eve of 2009 against this bill when it passed with 60 Democratic votes. No Republican in the Senate voted for the bill. No Republican in the House of Representatives voted for the bill. It passed with all Democratic votes.

If the Senator will recall that famous quote by the then-Speaker of the House, Speaker NANCY PELOSI, she said: What we have to do is pass this bill and then we will figure out what is in it.

Well, guess what. What we are talking about here is just one of the myriad of consequences the American people are now finding out is in that bill, and they have every right in the world to chastise everybody who voted for that bill who didn't read it, because these are the real out-of-pocket consequences to hard-working, taxpaying Americans that were never talked about on the floor of this Senate or the floor of the House.

Mr. WICKER. My friend and colleague has very effectively gone chapter and verse into what this law is doing to families in Georgia, to small businesses in Georgia, to potential job creators in Georgia and all across the United States of America. But it is not just families and small businesses, it is also local governments.

The Senator from Georgia and I came here after the 1994 elections on a promise, among other things, that we would fight against unfunded mandates on local governments. What we are finding out about ObamaCare is that it is absolutely an unfunded mandate on, for example, small towns and small counties that make up the bulk of the population in my State of Mississippi.

Let me just give a couple of examples of what it is doing to municipal governments. A city employee in Batesville, MS, tells me he recently attended a meeting of city workers and their health care provider. They were told their premiums will rise over 9 percent because of the President's health care law. This will be an increased cost of \$55,000 to \$60,000 that the city will have

to cover to provide health care coverage for their employees.

Presumably, they do not have a printing press in the back of city hall, so they are going to have to put an extra tax on the people of Batesville, MS, to cover the additional unfunded mandate the Affordable Care Act puts on the city of Batesville.

I could also mention, and will also mention, at the other end of the State on the gulf coast the city of Ocean Springs, MS, reported it will see a premium increase for their little budget of \$47,000 to provide health care under the new improved ObamaCare. This is a 13 percent increase because of the President's health care law. The city currently covers 100 percent of the employee premiums. The mayor of Ocean Springs, who I know happens to be a Democrat, said:

We're going to have to find \$47,000 from somewhere.

Presumably, it will come from the taxpayers of Ocean Springs, MS, and other small towns and rural counties around the State of Mississippi.

We are all human. I have made many mistakes during my life, and some of the mistakes I have made have been in my capacity as a legislator. I served in the State senate for 7 years. I have been in the U.S. House and Senate for some 19, along with my good friend from Georgia. I would hope that when I have seen mistakes that I have made legislatively I have been willing to go back and revisit those decisions and say: We are all human. We didn't get it right this time, and we ought to fix it.

That is one of the real disturbing things to me about this ObamaCare law. We see that the rollout was disastrous. We see that the effect on towns, counties, families and businesses is disastrous, and at the end of the day we are still going to have over 30 million Americans uninsured—the same amount we were targeting for coverage, supposedly, with the passage of ObamaCare. I would hope colleagues from both parties at this point would see where this has led us and agree there is a reason Congress meets every year. We can alleviate the problems that have arisen. We can correct the mistakes that have been made.

I appreciate people such as our colleague from Montana, Senator MAX BAUCUS, who at least said the law's implementation, he thought, was going to be a huge train wreck, noting that small businesses have no idea what to do, what to expect. I appreciate that sort of candor from one of the architects of the act.

It would seem to me, that being the case, it is incumbent on people who feel that way to say that we need to revisit this. We need to pull this law out root and branch and replace it with something that cuts the cost of insurance, that slows the growth rate of health care expenditures and uses market forces and competition, which we use in every aspect of our society except for health insurance.

I appreciate our colleague from West Virginia, Senator JAY ROCKEFELLER. He is retiring at the end of this Congress, but he said the health care law was beyond comprehension.

I think we would get over 60 percent of Americans agreeing with that. The law is beyond comprehension and the most complex piece of legislation ever passed by the Congress.

I appreciate that sort of candor as compared to the position that, as far as I can tell, is still held by the majority leader, the Senator who controls the flow of legislation on the floor of the Senate and who would have to be involved in bringing a corrected bill to the floor.

Our majority leader said this earlier this year: "This legislation is working, and it will be working better once we get the Web site up." Boy, how nonprophetic that was.

And I love this quote: "ObamaCare is wonderful for America," said the majority leader of the U.S. Senate, HARRY REID of Nevada. "ObamaCare is wonderful for America. Get over it."

I would hope I would be willing, if I had made such an egregious mistake, to say we need to come back and revisit this issue—for the benefit of American families, for the benefit of small businesses that want to create jobs, for the benefit of small cities that having to increase their taxes and do without other services to cover this unfunded mandate.

So I publicly implore my colleagues at this moment to agree that this didn't work. I never thought it would work, but some people did. But it hasn't worked. I guess it is the reason we have elections every 2 years. But I would hope that, even before the 2014 elections, Republicans and Democrats could come together and say: We got this wrong. We need to fix it, and we need to do it for the right reasons. We need to do it for the future of this country and for American families.

Mr. CHAMBLISS. The Senator from Mississippi mentioned the way this came about and the comments of the majority leader that I can't believe he really believes. It is hard for me to believe he thinks this is working. He is not a fool.

I also listened to the debate, as we talked about earlier, on the floor leading up to the vote on Christmas Eve 2009. I listened to the debate last night and today by some of our colleagues. I thought our colleague from Nebraska, Senator JOHANNIS, made a very profound statement.

We are fortunate to serve, in my opinion, in the greatest legislative body in the world. The Senator and I spent a number of years in the House, and that is a great institution also. They are both unusual from a constitutional legislative standpoint. But in the Senate there are certain rights of the minority that you don't have in the House.

The American people know and understand what has happened here; that

is, 2 weeks ago the Democrats in the Senate broke the rules of the Senate to change the rules of the Senate, and they did so in a very arbitrary and almost mean-spirited way that basically ignored the arguments of the minority. The minority in the Senate has always had rights—up until this rule change a couple weeks ago.

The Senator from Nebraska said today that when we were debating on this floor during the late fall leading up to the vote in December 2009, that because the Democrats had 60 votes, they looked to the minority on our side of the aisle and they said: We don't care what you say. His direct quote was, "Sit down and shut up." And the Senator felt a very eerie feeling taking place 2 weeks ago during the debate on this floor, where the Democrats broke the rule to change the rule, and they looked on this side of the aisle and said: We don't care what the Parliamentarian says. We don't care what the rules of the Senate have been for decades and decades. We are going to change those rules, and you all can sit down and shut up.

I thought what Senator JOHANNIS said was pretty significant, and he was right on track.

I will mention one other major concern I have with this bill that I am sure my friend from Mississippi has also heard, and that has to do with the safety of personal information relative to this new health care system. ObamaCare opens the door to fraud and identity theft like we have never seen in a public program. When individuals visit the exchange and apply for health insurance coverage, they have to provide sensitive personal data, such as Social Security numbers and income and tax return information. This information is then stored in a Federal data service hub. The proper security safeguards for that Federal data hub and other components of the Web site have not been put in place. Despite repeated warnings about this, the administration insisted on moving forward.

If the rollout of healthcare.gov is an indication of what is to follow, then I agree with Americans who have serious reservations about the security of their personal information when applying for health insurance coverage through the exchanges.

The Presiding Officer and I sit on the Intelligence Committee together, and we hear during our daily briefings about cyber attacks taking place against the U.S. Federal Government, against private entities in the United States, as well as against individuals inside the United States.

I can only imagine, with all the problems we have seen with getting up and simply having this Web site of healthcare.gov running, that some 15-year-old sitting in his garage somewhere in America—or maybe Beijing or Teheran—looking to have some fun could hack into the computer system and retrieve all the personal information of any individual they wanted to,

including their Social Security number.

Mr. WICKER. Or more than have fun; engage in real mischief and real harm to American citizens.

Mr. CHAMBLISS. The Senator is exactly right. And we obviously know what that would lead to. Those hackers attacking America today are getting proprietary information as well as financial remuneration, unfortunately, in too many instances. And to open your personal information book to the Federal Government is something that rightfully, in my mind, has the American people upset, and it is a provision in this health care plan that certainly is not popular. As NANCY PELOSI said, let's pass it, and then we will read it and figure it out. But here we go again. It is another provision in there nobody knew anything about. We had no debate, as the Senator from Mississippi referred to earlier about another issue of the floor of the Senate, regarding having to provide personal information.

Mr. WICKER. If I can underscore that, there is no question that because of the Snowden matter and because of other breaches of confidentiality and security, Americans are more and more concerned about this issue.

I note that our colleague from Maryland, Senator MIKULSKI, said about ObamaCare that it is causing fear, doubt, and a crisis of confidence. And I have to feel that some of the lack of confidence the American people have is the very real concern about security.

It is no wonder that a Pew survey released this week shows that 54 percent of Americans disapprove of the health care law and only 41 percent are in favor of it. Yet my friend mentioned the former Speaker, the current minority leader in the House of Representatives, who just this year said: The implementation of this law is fabulous. Fabulous. She compared it to the Declaration of Independence guarantee of life, liberty, and the pursuit of happiness. According to the former Speaker, this is what this is all about.

I think Americans and more Members of this body are concluding that this law isn't fabulous, contrary to what the former Speaker said; that ObamaCare is not wonderful for America, contrary to what the current majority leader of the Senate said. I hope that we could even yet revisit this.

I think we only have about 5 minutes to go. If I may comment for one brief moment about the breaking of the rules to change the rules that occurred.

One would have thought that hardly any nominations were getting through. To hear our friends on the other side of the aisle justify the reason for changing years and years of precedent and for going back on an agreement we made midyear, an agreement we made back in January, and a Gang of 14 agreement made by some of the most distinguished people ever to have served in the Senate—as a matter of fact, the facts are these: Hundreds of

executive nominations on this Executive Calendar have been approved with the slightest blip by this Senate, Republicans and Democrats. Only four nominees were felt to involve such extraordinary circumstances that we were determined to prevent those individuals from taking office for very good reasons, we thought, by the use of the 60-vote rule—only four out of hundreds this year. Yet that was given as an excuse to the American people to break the rules to change the rules.

It was a sad day. It is the kind of overreach we are seeing this week, which gets us back to the matter at hand and is the kind of very unfortunate overreach that has visited so much pain and hardship on the American people in regard to their health care and their health insurance coverage.

Mr. CHAMBLISS. I will close my comments with two additional anecdotes that really strike at what Middle America is all about and what suffering and economic pain Middle America is going through right now as a result of ObamaCare.

Michael from Dunwoody, GA, wrote in and said:

I had a really great policy for \$277 a month. The premiums were paid by my Flexplan from my employer and the excess my employer paid to my flex each month kept my balance increasing. I now have about \$35,000 accrued.

My provider cancelled that plan and my Flex now offers a lesser plan. The premiums went to \$550 a month. I actually joined AMAC and used their service to find a plan from a different provider. I must now pay the premiums out of my own pocket as President Obama won't allow me to use my own money from my flex plan to pay these premiums.

HOW IS THIS LEGAL?

I thought it was my money; apparently it's only my money if I buy what Obamacare says I can buy. I had to choose a plan with a \$5,000 deductible to make my premiums affordable.

Lastly, Mary from Powder Springs writes:

I am an educator with the Cobb County School System. As a reactionary measure to Obamacare, the State Board of Community Health gave state employees only one company option for our health insurance this year.

My premiums were going to be \$1,800 per year higher, my deductible was going to be \$2,000 higher, and the percentage of what was covered went down. We decided to go with my husband's company plan, but wonder what will happen to that coverage next year when the employer mandate goes into effect.

Michael and Mary are two average, ordinary Americans we ought to care about in this body. Yet we are throwing them under the bus with ObamaCare.

So as we move forward over the next year, I am in hopes we can continue to engage on this because these problems are going to get more frequent and they are going to get more disastrous from a financial and a lack of coverage standpoint. There is going to be an opportunity for this body to come together to look at really changing the ObamaCare plan that passed in 2009.

Let's come together on a plan that is meaningful, that truly does provide affordable and meaningful health care coverage for all Americans.

The PRESIDING OFFICER (Mr. KING). All time has expired.

The question is, Will the Senate advise and consent to the nomination of Susan P. Watters, of Montana, to be United States District Judge for the District of Montana?

Mr. CHAMBLISS. 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.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 268 Ex.]

YEAS—77

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

NAYS—19

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

NOT VOTING—4

Graham	Kirk
Inhofe	Menendez

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 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 Deborah Lee James, of Virginia, to be Secretary of the Air Force.

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. 11]

Alexander	Feinstein	Murkowski
Ayotte	Fischer	Murray
Baldwin	Flake	Nelson
Barrasso	Gillibrand	Paul
Baucus	Hagan	Portman
Begich	Harkin	Pryor
Blunt	Hatch	Reid
Booker	Heinrich	Risch
Boxer	Heitkamp	Roberts
Brown	Heller	Rockefeller
Burr	Hirono	Rubio
Cantwell	Hoeven	Sanders
Cardin	Isakson	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Coats	King	Shaheen
Coburn	Klobuchar	Shelby
Cochran	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Lee	Thune
Corker	Levin	Toomey
Cornyn	Manchin	Udall (CO)
Crapo	Markey	Warner
Cruz	McCain	Warren
Donnelly	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	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 Deborah Lee James, of Virginia, to be Secretary of the Air Force, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

[Rollcall Vote No. 269 Ex.]

YEAS—58

Baldwin	Casey	Heinrich
Baucus	Collins	Heitkamp
Begich	Coons	Hirono
Bennet	Donnelly	Johnson (SD)
Blumenthal	Durbin	Kaine
Booker	Feinstein	King
Boxer	Franken	Klobuchar
Brown	Gillibrand	Landrieu
Cantwell	Hagan	Leahy
Cardin	Harkin	Levin
Carper	Hatch	Manchin