

know Congress did not intend for a corporation or, furthermore, its shareholders to restrict a woman's access to preventive health care.

In the coming weeks, as the Supreme Court prepares to begin oral arguments in this case, these Senators and our colleagues who support these efforts will echo those sentiments, because we all know that improving access to birth control is good health policy and good economic policy. It means healthier women, healthier children, healthier families, and it will save monies for our businesses and consumers.

I know many of our colleagues here believe that repealing the Affordable Care Act and access to reproductive health services is a political winner for them. But the truth is this law and these provisions are a winner for women, for men, for our children, and our health care system overall.

I am very proud to stand with my colleagues who are committed to making sure the benefits of this law don't get taken away from the women of America, because politics and ideology should not matter when it comes to making sure women get the care they need at a cost they can afford.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

#### MEDICARE PROTECTION ACT

Mr. PRYOR. Madam President, I know others are waiting, so I will make some brief remarks about something that is very important to me.

I rise today to discuss S. 2087, the Medicare Protection Act.

Over the past few years one of the things we have witnessed in the Senate is, unfortunately, an irresponsible few who are trying to turn Medicare into a voucher system and raise the eligibility age for benefits. This would not only have a catastrophic effect on seniors' health but also on their financial security. It would force seniors to pay more for their doctor visits and for prescription drugs.

People in my State have figured this out. In fact, I recently got a little note from Philip of Jonesboro who said: "Raising the Medicare eligibility age would shift thousands of dollars in costs to seniors and drive up premium costs."

He got it exactly right. That is what it will do. That is what pretty much every study I have seen, at least, says it will do.

In Arkansas alone, we have well over 500,000 seniors who depend on Medicare. I encourage all of my colleagues to look at the numbers in their States. My guess is everyone has a large number of seniors in their State and the seniors understand how vitally important it is that we protect Medicare.

Turning Medicare into a voucher system or fundamentally changing it in any way by using some sort of voucher—they call it premium supplement, I

don't know; they have a different word for it sometimes—or raising the eligibility age or cutting benefits would be very detrimental to the people in my State, and I am sure in all 50 States.

As Rebecca from Fayetteville said:

Raising the Medicare age would simply force seniors such as my mother and me to pay more out-of-pocket. We need responsible, common-sense solutions to keep Medicare strong . . .

I agree with that. That is exactly what we need. We need these responsible commonsense solutions. Hopefully they are going to be bipartisan solutions. That is how we get things done in Washington, by working in a bipartisan way. I am hoping, over time, this Medicare Protection Act will become a great bipartisan vehicle for us to protect Medicare.

It does two things, in a nutshell. First, it amends the Congressional Budget Act to define any provision in reconciliation legislation that makes changes to Medicare to reduce or eliminate guaranteed benefits or restrict eligibility criteria as extraneous and an improper use of the reconciliation process.

I know that is technical and that is kind of getting down in the weeds, but that is a very smart way to do it, to use the Congressional Budget Act to protect Medicare.

Secondly, it expresses the sense of the Senate that the Medicare eligibility age should not increase and that the Medicare Program should not be privatized or turned into a voucher system.

Again, if we look back over the years, there have been attempts to do this, most of them originating in the House of Representatives, but we have had a few of those attempts here.

As Hubert Humphrey once said: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick, the needy and the handicapped."

The Medicare Protection Act is the right thing to do. I hope my colleagues from both sides of the aisle will look at this legislation, give it serious consideration, and join me in supporting this critical piece of legislation. It is a great way to protect our Medicare system.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### McHUGH NOMINATION

Mr. HATCH. I express my strong support for the nomination of Carolyn B. McHugh to the Court of Appeals for the 10th Circuit. Judge McHugh received her undergraduate and law degrees from the University of Utah. She is exactly the kind of outstanding nominee of varied legal experience that I set out to find to fill this vacancy.

She has both practiced and taught law. She has practiced in both State

and Federal court. She has extensive experience both before and behind the bench. She has served the county and State bars, as well the State judiciary on committees and on commissions. She has been widely recognized and awarded for her distinguished legal career.

Somehow, along the way, Judge McHugh has found time to serve her community with groups such as Big Brothers Big Sisters, Voices for Utah Children, and Catholic Community Services of Utah.

Judge McHugh's 22 years of litigation experience were almost evenly split between State and Federal court. In nearly a decade on the Utah Court of Appeals, currently as the presiding judge, she has heard more than 1,100 appellate civil and criminal cases that ultimately reached judgment.

When she is confirmed to the 10th Circuit, I think Judge McHugh may have one of the shortest learning curves on record of any judge in any circuit court of appeals to this country.

When we have a judicial vacancy in Utah, I spend a lot of time talking to lawyers and judges throughout our State's legal community, and so does Senator LEE. We both work together on these nominations, and I appreciate the input that he has and what a great deal of legal expertise and understanding he brings to these matters.

Judge McHugh received much praise, but perhaps the most common description was simply that she works harder than anyone else. Her former law partner said it, judges said it. Over and over the same comment came up: She works incredibly hard.

I have been doing this a long time and have participated in the nomination or confirmation of more than half of the judges who have ever served on the 10th Circuit Court of Appeals. I know a first-rate nominee when I see one.

Judge McHugh's varied experience, her personal character, intelligence, and her work ethic make her one of the best. The Judiciary Committee approved her nomination without opposition, and I expect the same result in the Senate.

I do have to say that this nomination could have been confirmed months ago. Despite some controversy over a few nominees, the confirmation process was working well. In his first 5 years, President Obama appointed 24.6 percent of the Federal judiciary, compared to 25.8 percent in President George W. Bush's first 5 years.

The Congressional Research Service says the Senate confirmed a higher percentage of President Obama's appeals court nominees than it did so for President Clinton and did so faster than it did for President Bush.

In President Bush's first 5 years, Democrats conducted 20 filibusters of appeals court nominations, compared to only seven in President Obama's first 5 years. Filibusters were much

less of a factor in the confirmation process under President Obama than they had been in the past, but that was not good enough. Last November, Democrats abolished nomination filibusters altogether.

For more than 200 years the minority in the Senate, no matter what their political party, had a real role in the confirmation process. The possibility of a filibuster had two effects. First, it suggested to the President that he might want to send more moderate nominees to the Senate. Second, it prompted the minority to cooperate with the majority in confirming noncontroversial nominees.

The new confirmation process that Democrats created has no real role for the minority. As a result, neither of those positive effects exists anymore. The President has no incentive to choose more moderate nominees to consult with home State Senators or to look for a consensus, and the minority in the Senate no incentive to waive rules or to agree to shortcuts.

There used to be balance in this process. The minority could filibuster a few of the more extreme nominees and so the minority helped process the large majority of noncontroversial nominees. That balanced approach was apparently unacceptable to the current majority. Democrats took that approach away, leaving a process—it can be called that—that only the majority controls.

Democrats did not want the minority's cooperation. They did not want a process that has some give-and-take in it. Democrats wanted a process that is all take and no give, and so here we are.

Part of the process we used to have would have been confirming additional nominations before adjourning the first session of the Congress. The nomination before us would have been confirmed that way months ago—as well as a whole raft of other judges that we are now voting on *ad seriatim*. Instead, we are forced to do things in this new way.

Judge McHugh is the same highly qualified, noncontroversial nominee. There is no good reason why the majority will want to take months longer to confirm a nomination such as this. But this is the confirmation process the Democrats created. They got the control they wanted, and I believe this distortion of the process harms the Senate as an institution. By creating unnecessary controversy and delay, this new process also harms the other branches to which nominations have been made. It did not have to be this way. It should not have been this way.

I might add that I wrote a Law Review article a number of years ago that I did not believe we should filibuster judicial nominations at all. That is why I voted “present” on so many of the President's judges, but there is no reason for me to do that anymore because the Democrats have changed the rules. They have broken the rules to

change the rules, and so I might as well vote no along with the rest of the Republicans on some of these nominees—just as an expression that we don't like the way the Democrats are handling this matter. I have been, in the last few days, changing from “present” to no or yes depending upon the person.

#### CLIMATE CHANGE

I will take a few minutes to talk about the Senate Democrats' latest effort to grab headlines and energize their base.

Although the business on the floor has officially been nominations, my friends on the other side of the aisle came in overnight to talk about climate change and the supposed need to change the way we produce and consume energy in this country.

We have heard a lot of talk about science and its supposed refusal on the part of Republicans to acknowledge the “truth.” What we haven't heard is a plan for lowering energy costs or for putting Americans back to work.

The fact is, when the Democrats talk about climate change, more often than not they are advocating policies that would do exactly the opposite. The funny thing is they have to know it by now. They have to know that is what they are doing. They are talking about proposals that would increase energy costs for American families and businesses. They have to know that, and they are pushing policies that will put even greater stress on our economy and make it more difficult for our citizens to find and even keep a job. That is why we have an underemployment rate of over 12 percent.

For example, last year, the President announced his Climate Action Plan, which directs the EPA to implement and impose new oppressive regulations on the energy industry that will have a significant impact on jobs and the pocketbooks of the American people. Increasing the cost of energy, which this plan would surely do, will not only make our struggling manufacturing sector less globally competitive, it will impose costs directly onto the American people in the form of higher prices on electricity and other costs as well.

Put simply, in order to create jobs and improve our global competitiveness, we need to find ways to help businesses reduce the amount of money they spend on energy. Unfortunately, this President is trying to do the exact opposite. At the same time, we should be exploring ways to make raising a family more affordable.

Unfortunately, the President's plan would increase the cost of living for every household in America. Talk about inequality. I was very interested that one of the leading unions—one of the first to support the President—said that he has caused more inequality than anybody. When I say “he,” they mean the President. Unfortunately, the President's plan would increase the cost of living for every household in America. This is the height of irresponsibility.

At a time when so many people are still feeling the impact of the great recession, the administration, not to mention its allies in Congress, wants to put in place regulations and mandates that will cripple American businesses and cause direct harm to American families trying to make ends meet.

I find it striking that throughout all the lectures we have seen on climate change science on the floor over the past 2 days, none of my colleagues appear to be willing to acknowledge the very real impact of their preferred policies. Thousands of communities across the country depend on the responsible development of our Nation's natural resources for a living. Access to abundant and affordable energy is attractive to domestic investment and provides high-paying jobs in our local economies. We can develop these resources in an environmentally friendly way. But my colleagues on the other side of the aisle don't appear to be willing to have that conversation. Instead, they want to demagogue the use of fossil fuels and impose costly mandates and regulations on the harvesting of our resources and on the production of our energy. What is interesting is they are doing it to a lot of the people in a lot of the States that used to support them.

We need to be pushing an “all of the above” inclusive approach to the development of energy if we are going to improve our energy security and become a global leader in energy production. It is not the job of the government to pick winners and losers. Yet with all their talk about climate change and the need for Republicans to “wake up,” that is precisely what my friends in the other party want to do.

I would hope, given all the challenges facing our Nation—from sluggish economic growth to lackluster jobs creation, to jobs providing less than 30-hour work weeks and on and on and on—my colleagues would devote more of their time trying to find real solutions for the American people instead of trying to please their liberal base with alarmist rhetoric about climate change and false promises about the future of energy production in this country.

We all know that some of their preferred production of energy is not producing. We all know it never will produce enough to solve our problems. We all know people have lost jobs time and time again in this country because of the lack of energy. We all know it has made us a weaker country. Yet we have this blind faith that they are right and everybody else is wrong.

I think jobs are the conversation the American people want us to talk about. Yes, we would like to keep things clean and good and orderly. On the other hand, you can't do that without jobs. You can't do that without people being able to earn a living. You can't run our inner cities and towns without energy. We are giving in to some of the most radical theories I have ever seen in the whole time I have been here.

We ought to get rid of these false promises and we ought to do the very best we can to clean up our environment in every possible way we can without destroying the energy and the energy capacities we know we have and loosen all the jobs that would come with that. That is the conversation the American people want to hear, and I hope eventually that is a conversation we can have in the Senate.

This is an issue where my colleagues are very sincere. I don't want to disparage any of them. On the other hand, in many respects they are sincerely wrong and they are costing America its greatness.

One of the problems I have with our current President is that I don't believe he believes in American exceptionalism, and he is doing so many things that are destroying our exceptionalism. The rest of the world knows it, but our folks here in America are having a rough time grasping it. I think it is a desire to always treat everybody well, to try to support our Presidents, which certainly we ought to try to do, but there is a reason we are starting to slip.

There is a reason the average wage in this country has gone down \$4,000 to \$5,000. There is a reason why, according to the Joint Committee on Taxation of just a few years ago, 51 percent of the American people are not in the process of paying one dime of income taxes. I am the last one to want them to pay income taxes, those who shouldn't, but, my gosh, you can't run a country this way. We are going to have to start facing the music that the greatest country in the world is losing its nerve, it is losing its verve, and there is no excuse for it. No other country in the world can even compare with us. So why are we doing things that are making us less and less and less and less?

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNANIMOUS CONSENT REQUEST— H.R. 3521

Mr. VITTER. Madam President, I rise to again advocate that we move forward, we come together across the aisle as Democrats and Republicans to agree on what we do agree on and to do some things constructively—specifically, to help veterans across our country.

There are 27 community-based VA clinics that are on the books at the Veterans' Administration ready to go. The VA is ready to break ground, move forward, and build these expanded community-based clinics to serve areas around the country and veterans

around the country in a much better way. I am particularly interested because 2 of those 27 clinics are in Louisiana, in Lafayette and in Lake Charles.

All of these clinics have gotten stuck in the mud through several rounds of bureaucratic delay at the VA—funding delays, authorization delays, and a dispute about whether moving forward with these clinics was kosher under the budget rules. We have solved all of those problems. We have figured out solutions to all of those problems that satisfies everyone. The House of Representatives has taken those solutions, put them together in a bill and passed it overwhelmingly out of the House with over 400 votes in support—virtually unanimous. Now we are on the Senate floor and all we have to do is take that bill, adopt a simple noncontroversial amendment and pass it through the Senate. No one in the Senate disagrees with the substance of this bill. No one disagrees with the substance of the amendment we would add to this bill. No one disagrees with the importance of moving forward with these 27 VA clinics. Yet we are still finding it difficult to move this simple noncontroversial matter through the Senate. Why? Because, quite frankly, some of our colleagues who have a much bigger, broader veterans package want to hold this hostage for their veterans package. While I applaud their sincerity, I applaud their passion, I think we should agree on what we can agree on and move forward with what we agree on. Let's not get bogged down and defeat 27 very important community-based veterans clinics because there are major and sincere disagreements about the much broader package.

I also think it will build good will to resolve some of those issues and come forward with a compromise version of a larger package if we do that. In that spirit, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3521, which was received from the House; that my amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I appreciate the interest of Senator VITTER in this very important issue. Senator LANDRIEU of Louisiana shares his concern, as do Senators from many States in this country because, as Senator VITTER indicated, this bill will authorize the VA to enter into 27 major medical facility leases in 18 States and Puerto Rico. So this is, in fact, a very big issue.

But as Senator VITTER knows very well, 2 weeks ago this very same provi-

sion was part of a comprehensive veterans bill supported by the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Vietnam Veterans of America, the Paralyzed Veterans of America, the Iraq and Afghanistan Veterans of America, and virtually every veterans organization in this country because the veterans community is facing a host of problems.

Senator VITTER points out one problem. He is right. But there are many other problems. I say to my friend, we could have resolved this problem 2 weeks ago if I could have had four more Republican votes, including his, to pass this legislation.

What this bill does, and the reason it is supported by millions of veterans all over this country, is that it addresses the major problems facing our veterans community. I say to my friend from Louisiana, and any other Senator, if you are not prepared to stand with veterans in their time of need, don't send them off to war. If you don't want to pay for the care veterans need, don't send them off to war and then tell us it is too expensive to take care of them.

The legislation that again is supported by virtually every major veterans organization in this country, expands the caregivers program, improves and expands dental care, provides advanced appropriations for the VA—something many of us feel is terribly important—takes a major step to end the benefits backlog, deals with the very serious problem of in-state tuition assistance for post-9/11 veterans, and addresses the horrible problem that women and men in the military face when they are sexually assaulted. We address that issue as well.

This legislation also addresses the issue of reproductive health. We have 2,300 men and women who served in Iraq and Afghanistan and who were wounded in the war in such ways they are unable to have babies. They want families but can't have babies, and so we help address in this bill that issue; whether through in vitro fertilization, adoption or other ways to help them have families. That is what this legislation does.

So I look forward to working with my colleague and friend from Louisiana to get that legislation passed or to sit down and work on a compromise piece of legislation.

I would say to my friend from Louisiana, today you can be a hero. Today you can get your concern passed and the concerns of veterans all over America by supporting my unanimous consent request to pass the bill that came up 2 weeks ago.

Mr. President, I object to Senator VITTER's proposal.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 297, S. 1950; that a Sanders substitute amendment, the text of S. 1982, the Comprehensive Veterans Health and Benefits and Military Retirement Pay Restoration Act,