EXECUTIVE SESSION

NOMINATION OF JEFFREY ALKER MEYER TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

Mr. RUBIO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SEXUAL ASSAULT

Mrs. GILLIBRAND. Mr. President, this is a sad day for the Senate. What does it say about this body that after having seen so many brave survivors of sexual assault in the military walk through the halls of this Congress for over a year now, we can't even give them the decency of a debate on the reform they so deeply believe in—a reform they believe in so deeply that they have selflessly retold their stories, reliving some of the worst moments of their lives, all so, hopefully, someone else doesn't have to suffer what they did. They may not wear the uniform anymore, but no one can tell me they aren't still serving their country through their sacrifice. Yet we can't even agree to vote for moving forward to debate the issue? They deserve a vote. The men and women who serve in our Armed Forces deserve a vote.

Anyone who has been listening has heard over and over from survivors of sexual assaults in the military how the deck has been stacked against them. For two full decades the Defense Department has been unable to uphold its continued failed promises of zero tolerance for sexual assault. But when the Senate can't even agree to debate the one reform that survivors have consistently said is needed to solve this crisis, we are telling those victims the deck is stacked against them right here in the Senate as well.

Last month this Congress rushed with great speed to remove a reduction in military pensions not slated to begin until 2015—a fix I fully supported. Legislative action was swift, and it was just. But I ask: Where is the same urgency to help stem the crisis of military sexual assault—an epidemic that is happening today? How is it we can't wait another week to stop a COLA reduction in pensions, but a reform that will lead to more rapists and predators behind bars waits indefinitely. We have been waiting for 20 years now—all the way back to 1992, when Secretary of Defense Dick Cheney stated zero tolerance in the wake of Tailhook.

As many of my colleagues likely saw, the Associated Press revealed new evidence last month that took years of freedom of information requests to obtain. After reviewing the documents from Okinawa, Japan, the AP described the handling of cases as ''chaotic,'' where commanders overruled recommendations to prosecute or dropped charges altogether.

Among the AP's findings: ''Victims increasingly declined to cooperate with investigators or recanted—a sign they may have been losing confidence in the system.''

If that sounds familiar, it is because that is a fact that today's military leaders openly admit themselves. As Commandant of the Marine Corps James Amos put it:

> Why wouldn't female victims come forward. Because they don't trust us. They don't trust the chain of command. They don't trust the leadership.

That is what we have a chance to fix right here today, but we are letting it pass us by because some here believe it is not even worthy of debate.

This was never about being a Democratic idea or a Republican idea. It is just about doing what is right. People of good faith from both sides of the aisle, from both parties, can unite to deliver an independent, objective, and nonbiased military justice system that is worthy of the sacrifice the men and women in uniform make every day. It has taken us a long time to get to this point—too long, in fact. Every day we wait is another day the deck remains stacked against sexual assault victims in our military—another day when, statistically, it is estimated that over 70 incidents of unwanted sexual contact occur, and nearly nine out of 10 go unreported.

Nowhere else in America would we allow a boss to decide if an employee was sexually assaulted, except in the U.S. military.

The men and women of our military deserve to have unbiased, trained military prosecutors reviewing their cases and making the ultimate decision about whether to go to trial solely on the merits of the evidence. They deserve a fair shot at justice today, not after another year of a system that is broken under any metric. They deserve a vote that a bipartisan majority of the Senate supports, and they deserve that vote now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

Mr. BLUMENTHAL. Mr. President, I am here very proudly and gratefully to support the nomination of Jeffrey Meyer as a U.S. district court judge for the District of Connecticut. I am proud because of his extraordinary credentials. I am grateful to President Obama and, hopefully, to this body for giving Connecticut the services of a professor, litigator, prosecutor, and a person of extraordinary integrity and ability. Jeffrey Meyer has all of the qualifications in extraordinary depth and quality to be a great judge. He is truly a lawyers' lawyer. He is a prosecutors' prosecutor. He will be a judges' judge.

Mr. Meyer served as a legal aid lawyer in Vermont for Vermont Legal Aid and as an associate of two Washington, DC, law firms. He really has made his mark as a prosecutor in the U.S. Attorney's Office in Connecticut, where he served for 10 years, five of them as appeals chief. He also was a law clerk to Judge Oakes for the Second Circuit. He has a grounding in academia, having taught at Quinnipiac Law School and served as Supreme Court advocacy clinic teacher at Yale, where he has also been a visiting professor since 2000.

I am abbreviating and summarizing his credentials because they are well documented and well known in this body. What can't be summarized so easily is the quality of judgment he has and that befits a judge on the Federal court.

Judges on the U.S. district court, as I know from my own experience, having litigated for quite a few years, are often the last point of justice for many people in our country. They are the voice and face of justice for so many people who may not have the means or the persistence to appeal further, and for most litigants he will be the voice and face of justice before his court. That is a very solemn responsibility. It is a responsibility for life.

These decisions about who will serve on the district court are among the most important we make in this body, so we approach it seriously and thoughtfully. Following the high standards we impose, Jeffrey Meyer aptly and abundantly meets the test for serving as a U.S. district court judge: His background in litigation; his experience in actually trying cases; his background as an academic, in thinking through some of the toughest issues of the law and teaching others how to do it, how to actually be a lawyer; and, of course, his judgment and his sense of perspective and, most importantly, his integrity.

I have worked with Jeff Meyer. I know of his dedication to his clients. I have worked with him in very tough personal situations where his advice to a client would make a critical difference in that person's life. I know he

has the human quality of compassion and insight that is really necessary to make judgments about credibility when he has to judge the credibility of a witness on the stand or when he has to sentence an individual who may have broken the law but has mitigating factors to present. Anybody who spends time in a trial court knows that judges have to make split-second decisions based on their knowledge of the law but also on their instincts, on what they sense is right. Jeff Meyer has that quality of judgment that makes all the difference in the world. Some people have it, even if they haven't graduated, as Jeff Meyer did, from some of the best schools in the country, and some people don't, even when they have all the degrees in the world. Maybe it is common sense or horse sense or good instincts or character. It is very hard for anyone to say who has it without meeting them, as we did on the Judiciary Committee, and knowing them.

I thank the chairman of the Judiciary Committee, my great friend and colleague Senator LEAHY, for championing people of this great ability. Senator LEAHY has devoted his lifetime to the quality of our Federal judiciary, and it has been immensely beneficial to our judiciary and to all who appear before our Federal judges to have a champion such as Senator LEAHY of Vermont.

There are now 96 vacancies in our Federal court. Thirty-nine of those vacancies have been classified as judicial emergencies. Let us get on with our task and our responsibility to make sure justice is not delayed in the greatest country in the history of the world, because we know so often justice delayed is, in fact, justice denied. That may be true of the least seemingly important case that matters so greatly to the person whose life is at stake or it may be an issue of great moment to the Nation's future. But one way or the other, the American people rely on us to make sure justice is done, that judges are nominated and confirmed, and that we enable every American to have access to judges who will decide fairly and wisely the merits of their case. Whether it is through a trial or in a motion, justice is what makes our Nation one of the greatest—the greatest, in fact—in the history of the world.

I am very proud and grateful for the opportunity to support Jeff Meyer to be a U.S. district court judge for Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Connecticut for his kind words. Having served as attorney general of his State and in various other roles in our courts, he understands very much when he says justice delayed is justice denied. Whether you are a plaintiff or a defendant, that is true.

Mr. President, I ask unanimous consent that I be recognized for 5 minutes and Senator MURPHY of Connecticut be recognized for 5 minutes.

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

Mr. LEAHY. Mr. President, I began the year expressing my hope that we would set aside our differences and do what is best for this country by confirming qualified nominees to fill these critical vacancies facing our Federal judiciary. I have been here with both Republican and Democratic leadership, Republican and Democratic Presidents. Never in my 40 years in the Senate have I seen such an effort to exploit every means of delay for every judicial nomination, even when a nominee is supported by both Republicans and Democrats and supported by their home State Senators. This did not happen with President Ford, with President Carter, with President Reagan, with President George H.W. Bush, with President Clinton, with President George W. Bush. This President is treated differently.

Now, I have heard some Senate Republicans claim the majority leader can simply bring up these nominations for a vote whenever he chooses to do so. I think that is done with the hope that some in the press or some people watching may not understand they are hiding from the American people the fact that they are not letting the majority leader bring them up for a vote. In fact, if their claims were true, we would be voting to confirm four district court judges tonight. Instead, the Senate Republicans are deliberately obstructing and placing roadblocks so that each and every confirmation takes longer. It is very similar to what they did when they caused the needless and costly partial shutdown of the government. They shut down the government. Here, they are trying to shut down the judiciary.

This pointless obstruction is why Congress is so unpopular with the American people. They make it as difficult as possible to respond to the needs of our Federal judiciary. This has been going on since President Obama first took office in 2009. In fact, within a short time after the President was sworn in, Republicans filibustered his very first judicial nominee. That has never been done for any President of either party. Incidentally, that judicial nominee, who had the highest possible rating from the American Bar Association, had the strong support of the senior Senator from his State, who was also the senior Republican then serving in the Senate. The most senior Republican Senator supported the nomination, but the Republican leadership said: No. We have to filibuster and block the nomination because, after all, it was President Obama's nomination, not President Bush's nomination.

It was around this time that the Republican leader said his primary goal was for President Obama to fail. Now, if a Democrat had said that about a Republican President, we would have heard about it ad infinitum.

We were forced to change the Senate Rules. This was something I was very reluctant to see done, but we did it because we have to get past this obstruction. Otherwise, our Federal judiciary would grind to a halt in many parts of the country. The worst part about it is when there are judicial nominees with the support of both Republican and Democratic Senators, but a tiny group in their leadership says: Oh, no, we cannot possibly vote on these. It might give President Obama a victory. This ignores the fact that he was elected twice by pretty significant margins. It also ignores the fact that the Federal judiciary has always been kept out of partisan politics. Instead, they do it to politicize the Federal judiciary more than I have seen in my 40 years here. It is a shame. It should stop.

Let's start acting like grownups in the Senate, not like children fighting in a sandbox. And then they wonder why the American people are so turned off. First they close down the Federal Government; now they are, by increments, closing down the Federal courts.

Tonight I hope we will vote to end the filibusters of four judicial nominees to Federal district courts in Connecticut, Arkansas, and California. Each of these nominees—Jeffrey Meyer to fill a vacancy to the District of Connecticut; James Maxwell Moody, Jr., to fill a vacancy to the Eastern District of Arkansas; and James Donato and Beth Labson Freeman to fill judicial emergency vacancies to the Northern District of California—were voted out of the Senate Judiciary Committee with the unanimous support of Republicans and Democrats. Yet, they have languished on the Senate floor for months. Because of Republican obstruction we are again wasting precious time to overcome procedural hurdles just to have an up-or-down vote on these worthy nominees.

I began the year expressing my hope that we would set aside our differences and do what is best for this country by confirming qualified nominees to fill critical vacancies facing our Federal Judiciary. Instead, it appears that Senate Republicans have decided to double down and to further exhaust every means of delay at their disposal, even when a nominee is supported by those on both sides of the aisle and supported by both home State Senators.

A few weeks ago, prior to recessing, Senator PRYOR asked for unanimous consent to vote on the nominations of Timothy Brooks and James Moody to fill judicial vacancies in the Western and Eastern Districts of Arkansas. Both of these nominees had the bipartisan support of their home State senators, as well as the bipartisan support of every single member of the Judiciary Committee. Both these nominees could and should have been confirmed last year, as they were originally voted out of committee by voice vote last October and November, respectively. Nevertheless, Senate Republicans refused

to consent to a vote on their nominations as the year ended. This meant that these nominees had to be re-nominated and re-processed through committee. Having jumped through all of these additional hurdles, these nominees still cannot get a vote on their nominations as Senate Republicans continue to object. Senate Republicans claim that the majority leader himself can bring up these nominations for a vote whenever he chooses to do so. But what the Republicans are hiding from the American people is that they are deliberately obstructing and placing roadblocks so that each and every confirmation takes as long as humanly possible.

This illustrates why Congress is so unpopular with the American people. Here, you have lawmakers deliberately making it as difficult as possible to do something to address the needs of our Federal Judiciary. Republicans may see this as retribution for the rules change that occurred last year, but their steadfast obstruction only hurts the American people.

More than a month into the new year, we have confirmed just one judicial nominee. This is the case even though there are currently 96 judicial vacancies, 39 of which have been deemed emergency vacancies by the Administrative Office of the U.S. Courts. In stark contrast, there were only 56 judicial vacancies at the same point in President Bush's tenure. The comparison is even more troubling when you consider the 32 judicial nominees currently pending on the Executive Calendar. We could lower the number of judicial vacancies today to 64 if Senate Republicans would consent to voting on the pending nominees. We have not had fewer than 70 vacancies since May 2009, more than 4 years ago. And for most of President Obama's tenure in office, judicial vacancies have continued to hover around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on these nominations.

There are no excuses for the delays except sheer partisanship. All but 3 of the 32 judicial nominees currently pending on the Executive Calendar had hearings before the Senate Judiciary Committee last year. Despite the self-imposed delays by Republicans, who demanded these nominees be sent back to the President to be re-nominated and re-processed through committee, the Judiciary Committee has worked hard to again report them out of committee. The only delay that is holding them up is the Republicans who have continuously objected to a vote on their nominations.

Almost all of the judicial nominees pending before the full Senate are uncontroversial. In fact, of the 32 judicial nominees currently pending, 30 were voted out of committee with bipartisan support. It is clear that Senate Republicans have decided to use the rules change as another excuse to further accomplish their partial government shut down. Before the rules change, Senate Republicans used anonymous holds to delay confirming qualified judicial nominees, and dragged their feet every step of the way to slow down the confirmation process. Senate Democrats changed the rules precisely because of these delay tactics, which were causing great harm to the judicial system and negatively impacting those Americans who were seeking justice in our Federal courts. The American people who have sought to obtain justice in our Federal courts deserve speedy and prompt justice. The petty partisan tactics on display tonight are not even worthy of the playgrounds of our children and grandchildren, let alone the United States Senate.

It used to be that nominees for U.S. attorney and U.S. marshal were confirmed by unanimous consent without taking up any floor time. However, Republicans have now decided that they will delay the confirmation of these nominees as well. Once again, the only individuals who are hurt by these tit-for-tat political games are the American people. When a State lacks the necessary law enforcement officers they need to keep its streets safe from criminals, it is the American people that are hurt. I hope that Senate Republicans will re-think this misguided strategy of obstruction and do-nothingness.

Shortly, I hope we can overcome the filibusters on the following qualified judicial nominees:

Jeffrey Meyer is nominated to fill a judicial vacancy in the U.S. District Court for the District of Connecticut. He has served since 2006 as a professor of law at Quinnipiac University School of Law, and since 2010 as a visiting professor of law at Yale Law School. He served as senior counsel to the Independent Inquiry Committee into the United Nations Oil-for-Food Program in Iraq from 2004 to 2005. He served as an assistant U.S. attorney in the District of Connecticut from 1995 to 2004, and as appeals chief from 2000 to 2004. Prior to his work as a Federal prosecutor, he worked as an associate at Kellogg, Huber, Hansen, Todd, Evans & Figel PLLC from 1993 to 1995, and at Shearman & Sterling LLP in 1993, and from 1990 to 1991. He worked as a staff attorney for Vermont Legal Aid from 1992 to 1993. Following law school, he served as a law clerk to three distinguished Federal judges, including Justice Harry Blackmun of the U.S. Supreme Court, Judge Donald Ross of the Eighth Circuit, and Judge James Oakes of the second Circuit. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Meyer well qualified to serve on the U.S. District Court for the District of Connecticut, its highest rating. He has the strong support of both his home State Senators, Senator BLUMENTHAL and Senator MURPHY. He was approved by the Judiciary Committee by voice vote last September, and once again, last month.

Judge James Moody is nominated to fill a judicial vacancy in the U.S. District Court for the Eastern District of Arkansas. Since 2003, he has served as a circuit court judge in Arkansas's Sixth Judicial Circuit. He has presided over 1,000 cases in the Arkansas State Court Systems. He previously worked in private practice at Wright, Lindsey & Jennings LLP as a partner from 1994 to 2003, and as an associate from 1989 to 1994. The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Moody well qualified to serve on the U.S. District Court for the Eastern District of Arkansas, its highest rating. He has the strong bipartisan support of both his home State Senators, Senator PRYOR and Senator BOOZMAN. He was approved by the Judiciary Committee by voice vote last November, and once again, last month.

James Donato is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Since 2009, he has worked in private practice as a partner at Sherman & Sterling LLP. He has served pro bono as a court appointed mediator in the Northern District of California since 2002, handling civil rights actions against state and local law enforcement departments. He previously worked as a Partner at Cooley LLP from 1998 to 2009, and as a special counsel from 1996 to 1998. He served as a deputy city attorney in the Trial Division of the San Francisco City Attorney's Office from 1993 to 1996, and as an Associate at Morrison & Foerster LLP from 1990 to 1993. Following his graduation from Stanford Law School, he clerked for Judge Proctor Hug, Jr., of the United States Courts of Appeals for the Ninth Circuit. Mr. Donato earned his B.A. in 1983 from the University of California, where he was a member of Phi Beta Kappa. He earned his M.A. in history in 1984 at Harvard University, and his J.D. in 1988 from Stanford Law School, where he served as senior editor of the Stanford Law Review. He has the strong support of both his home State Senators, Senator BOXER and Senator FEINSTEIN. He was approved by the Judiciary Committee by voice vote last October, and once again, last month.

Judge Beth Freeman is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Since 2001, she has served as a California State judge in San Mateo County Superior Court. She served as the presiding judge from 2011 to 2012. During her 12 years on the bench, she has presided over approximately 150 jury trials and over a thousand bench trials. She previously served as a deputy county counsel to the San Mateo County Counsel's Office from 1983 to 2001. She worked in private practice at Fried, Frank, Harris, Shriver, and Jacobson in Washington, DC as an associate attorney from 1979 to 1981. Judge Freeman earned her B.A. with distinction from the University of California,

Berkeley in 1976. She earned her J.D. from Harvard Law School in 1979. She has the strong support of both her home State Senators, Senator BOXER and Senator FEINSTEIN. She was approved by the Judiciary Committee by voice vote last October, and once again, last month.

I thank the majority leader for filing cloture petitions to end the filibusters of these much needed trial court judges. I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I join my colleagues in support of the nomination of Jeffrey Meyer of Connecticut to be a U.S. judge for the District of Connecticut. I thank the chairman of the Judiciary Committee for his hard work in shepherding Mr. Meyer's nomination through the process and thank my colleagues and leadership for bringing it to the floor today.

Before I make brief remarks in support specifically of Meyer's nomination, I want to associate myself with the remarks of Senator LEAHY and Senator BLUMENTHAL.

There are essentially two ways to try to shut down the government from within. You can try to defund it—and we have seen that effort play out in real terms at great cost to the American people over the last year and a half—and you can also try to depopulate it. You can try to very slowly and methodically take people out of positions by either denying them confirmation into the administration—as we have seen, as a long list of nominees to agencies throughout the Federal Government are being delayed by Republicans—or you can try to keep the judiciary understaffed so it cannot do its work as well.

So I, unfortunately, believe this is part of a pretty methodical policy and strategy on behalf of those who feel as though they have been elected to destroy government from within, to both try to defund the organs of government and then also to depopulate its ranks. That is part of the reason I think we are laboring under delay tactic after delay tactic when it comes to our Federal judiciary. Today, though, hopefully we can unite around a nominee who is singularly qualified to serve on the district court.

I am proud to support Jeff Meyer's nomination—someone who comes from a family with deep roots in public service. Mr. Meyer has worked in the legal system but also has a history of helping the poor and the voiceless in Connecticut throughout his career. Both Senator BLUMENTHAL and I know his father well, Ed Meyer, who served with me in the Connecticut State Senate.

Jeff Meyer comes from a world-class educational background, in part because he got a lot of it in Connecticut. He is a graduate of both the college and the law school at Yale. He has an extensive academic and teaching background. After he graduated law school, Mr. Meyer clerked at the Supreme Court for Justice Blackmun, and then for Judge James Oakes, the former chief judge of the Second Circuit. Currently, he teaches the Supreme Court Advocacy Clinic at Yale Law School, where he provides pro bono legal services. Before that, he taught at Quinnipiac Law School, where he was honored with their Excellence in Teaching Award.

But even more impressive than his academic background and training is Jeff Meyer's long history of working for a fair and just legal system in Connecticut and, frankly, throughout the Northeast. Even as a law student Jeff Meyer showed a commitment to helping disadvantaged groups by giving legal assistance to homeless clients through the Yale Law School clinic. He actually received an award for his work there from the City of New Haven. Later, he worked as a staff attorney in Senator LEAHY's home State of Vermont at Vermont Legal Aid. In Connecticut, he helped keep our State safe by serving as an assistant U.S. attorney for 9 years. Since 2008 he has served on the Connecticut Judicial Ethics Committee—a fairly thankless task, I might add—and he has served on a range of other important State and local committees, including the Advisory Committee for the Selection of the Connecticut Federal Public Defender, the Independent Accountability Panel for New Haven's police department, and the U.S. Attorney's Police and Urban Youth Task Force.

Aside from his academic and community work, Jeff Meyer has also managed to find time in between to litigate complex commercial issues and investigate foreign aid issues. He served as an editor and counselor of the Independent Panel Review of the World Bank Department of Institutional Integrity. And he did an incredibly important tour of duty as the senior counsel of the Independent Inquiry Committee into the United Nations Oil for Food Program. He also wrote a book on the U.N. oil for food scandal. Along with his book, Mr. Meyer has an impressive body of legal scholarship that includes a wide range of law review articles and opinion pieces on topics ranging from criminal justice issues, to foreign aid, to workplace safety.

I will point out that Jeff Meyer is exceptional in the sense that he has sought work that others in the legal community might avoid. The work he has done on Connecticut's Judicial Ethics Committee or in the independent review process of the New Haven Police Department or even in his work investigating the Oil for Food Program was tough stuff—issues that were controversial that some other lawyers may have avoided. But Jeff Meyer sought places in which his talents were needed and in areas in which others may have looked the other way.

The District of Connecticut is currently about 13 percent understaffed, and this confirmation would fill a vacancy that has existed now for almost 2 years. Because Jeff Meyer has such stellar qualifications, I cannot think of any reason why people in this body would oppose his nomination. I urge all my colleagues to support him.

I yield the floor.

● Mr. NELSON. Mr. President, today the Senate will vote to invoke cloture on the nomination of Jeffrey Meyer to fill a judicial vacancy on the U.S. District Court for the District of Connecticut. Though I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Connecticut. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I want to congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.●

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 Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut.

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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr.

RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The yeas and nays resulted—yeas 55, nays 37, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—55

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

NAYS—37

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—7

Graham	Murkowski	Toomey
Isakson	Nelson	
Landrieu	Risch	

The PRESIDING OFFICER. The yeas are 55, the nays are 37, and 1 Senator voting ''present.''

The motion is agreed to.

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

The majority leader.

Mr. REID. On behalf of the majority, I yield back 58 minutes.

The PRESIDING OFFICER. The time is so yielded.

The Senator from Iowa.

Mr. GRASSLEY. Either tonight or tomorrow the Senate will consider several district court nominees. These nominees will be brought up, considered by the Senate, and in all likelihood confirmed in very short order. As I mentioned several times, this is a procedure the Democrats voted to pursue in November when they voted for the so-called nuclear option. The majority voted to eliminate the filibuster on nominations and to cut the minority, us Republicans, out of the process.

While the Senate is debating these district court nominees, it gives me a good opportunity to continue the discussion about how the Senate ought to be functioning in the constitutional way determined by our Constitution writers. There is no debate that the Senate isn't functioning properly, and we have been treated to relentless finger-pointing from the other side regarding who is to blame.

Unless we can establish a nonpartisan account of how the Senate ought to function, this debate will amount to nothing more than a kindergarten shouting match.

I wish to return to the Federalist Papers, which are the most detailed account, from the time the Constitution was being ratified, about how our institution, this Senate, was intended to operate. Although these Federalist Papers were written over 200 years ago, the principles those papers articulate are timeless, and the problems they highlight are strikingly relevant to this very day.

The last time I addressed the Senate on this subject I quoted at length from a passage in Federalist No. 62. Although the Federalist Papers were published under the pseudonym of ''Publius,'' we know they were written by three of our Founding Fathers: James Madison, Alexander Hamilton, and John Jay.

Federalist No. 62 has been attributed to the father of the Constitution James Madison. In it he lists several problems that can be encountered by a republic the Senate was specifically, under the Constitution, designed to counteract.

The first point Madison makes is that having a second chamber—meaning the Senate—composed differently than the House makes it less likely one faction will be able to take over and enact an agenda out of step with the American people.

The second point deals with the tendency of a unicameral legislature to yield to sudden and popular impulses and pass what he called ''intemperate and pernicious resolutions.''

The third point is that based on the experience of the early unicameral State legislatures, a second chamber, with longer terms, such as the Senate, and a more deliberative process, such as the Senate is supposed to have, will make sure any laws passed are well thought out. The Framers of our Constitution determined it was better to get it right the first time than to subject the American people to the upheavals caused by the need to fix poorly conceived laws.

Madison talks about the early American experience with ''all the repealing, explaining and amending laws,'' which he calls ''monuments of deficient wisdom; so many impeachments exhibited by each succeeding against each preceding session; so many admonitions to the people, of the value of those aids which may be expected from a well-constituted Senate.''

In my last speech I did not get to Madison's fourth and final point in Federalist Paper 62, which is quite long and deserves to be examined in detail, and that is my main purpose today. Madison concludes Federal No. 62 with an extensive discussion of the importance of stability to good government and the danger to rule of law from constant change. So here he is talking about the purpose intended for the Senate. This section starts:

> Fourthly, the mutability in the public councils arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the States is found to change one-half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important, in national transactions.

Here Madison is making a case for stable government instead of constant change. He says that constant change, even with good ideas, will not produce positive results. Madison then elaborates on the various problems caused by an unstable government. This is what he first says about a country that is constantly changing its laws:

> . . . she is held in no respect by her friends; that she is the derision of her enemies; and that she is prey to every nation which has an interest in speculating on her fluctuating councils and embarrassed affairs.

Madison then makes the case that the domestic ramifications of constantly enacting and changing laws ''poisons the blessing of liberty itself.''

But he goes on to explain:

> It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

This sounds a little bit like what we are finding with the health care law today, which is being rewritten daily and on the fly by the Obama administration. The Law has been changed by the President 29 times so far. But it is part of a bigger problem we face with new laws and regulations from agencies which have the force of law being churned out in such volume that no American can possibly know what all those regulations are.

Just based upon probability, Americans are likely to violate some regulation or some other law without knowing it at the time. Madison is making a case not just for more thoughtful laws but fewer laws.

When the majority leader and many in the media complain the Senate should be passing laws at a higher rate, those people miss the point entirely. To listen to some Members of the majority, and even more so in the media of America, one would think the success of a session of Congress was measured solely on the sheer number of laws passed and not on the quality of those laws that it passes.

Common sense tells all of us the Senate was specifically designed to slow down the process and to make sure

that Congress passes fewer but better laws. Madison elaborates further on why fewer laws are better in this passage, which is extremely relevant today:

> Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people.
>
> Every new regulation concerning commerce or revenue, or in any way affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow citizens.

In other words, a situation where Congress is constantly changing the laws gives more influence to those who can hire lawyers to keep on top of the changes and lobbyists who influence them versus the little guy who is out there on his own.

It is sometimes said that big businesses don't like regulations. But that isn't my experience in many instances. The bigger and wealthier a business or a union or other special interest group, the better chance they have to shape a new law or regulation and the more people they can hire to help them comply. On the other hand, small businesses and individuals can't hire a team of lawyers to read the latest laws and regulations and fill out the proper paperwork. Small businesses and individuals are the ones squeezed out of the marketplace by the constant flow of new laws.

An overactive government benefits the big guys at the expense of the little guys. If you think that fact is lost on the big guys and their lobbyists when they come to Congress, you would in fact be very badly mistaken. So as James Madison so wisely noted, an overactive government is an invitation to the rich and the powerful to use government to their benefit and to the detriment of their competitors.

That goes to show there is a great benefit to stability in laws as opposed to constant change—the very purpose Madison sets out for the Senate.

A cornerstone of liberty is the rule of law, meaning the law is transparent and no one is above the law. If you look around the world today, the poorest and least free countries are the ones where there is no rule of law. If someone can take what you have earned through force and you have no legal recourse, that is an example where there is no rule of law. If the rich and the powerful get special privileges, that is an example of where the rule of law has broken down.

The rule of law is one of the principles our country was founded upon. But when there are so many rules and they are changing so quickly the average citizen cannot keep up, that undermines the rule of law.

Of course, the situation is only made worse when the rules already on the books are waived for the politically connected. Of course, that is another problem, but one that has become all too common under this administration, particularly with the health care reform law, where 29 changes have already been made by the President on his own volition, and some of us believe even contrary to law. As an example, I have even heard some Democratic Senators comment: How can the President make the change on employer mandates?

Of course, going back to the Senate's role, I am not making a case for doing nothing or that we should be happy with the failure of the Senate to debate legislation. The Senate is supposed to be slow and deliberative, not stopped. That is why we are called the greatest deliberative body in the world. Still, it is important to get away from this notion that somehow the failure to ram legislation through the Senate with no debate and no amendments is a problem.

The reason the Senate doesn't function when the majority leader tries to run it that way is very simple. The Senate was not designed to do business that way. The Senate was intended to be the deliberative body we always praise and has been for most of its history. But it has now become routine for the leadership to file cloture to end consideration of a matter immediately upon moving to it. By contrast, the regular order is for the Senate to consider a matter for some period of time—how long would vary—but allowing Senators from all parties to weigh in before cloture is even contemplated.

Cloture was invented to allow the Senate to end consideration of a matter after the vast majority of Senators had concluded it has received sufficient consideration. Prior to that, there was no way to end debate so long as at least one Senator wished to keep deliberating. Cloture was a compromise between the desire to move things along and the principle that each Senator, as a representative of his or her respective State, has the right to participate fully in the legislative process.

The compromise was originally that two-thirds of Senators voting had to be satisfied a matter had received sufficient consideration. That was reduced to three-fifths of all Senators. Each time this matter is renegotiated, the compromise leans more in favor of speeding up the process at the expense of allowing Senators to fully represent the people of their respective States.

The majority leadership routinely files cloture immediately upon proceeding to a matter. Again, cloture is a tool to cut off further consideration of a matter when it appears it is dragging on too long. One can hardly claim the Senate has taken too much time to deliberate over something when it hasn't even begun consideration and debate of the specific matter.

According to data from the Congressional Research Service, there were only seven times during the first session of this current Congress the Senate started to consider a bill for a day or more before cloture was filed. That is out of 34 cloture motions related to legislative business. The number of same-day cloture filings has more than doubled compared to when Republicans last controlled the Senate.

Moreover, the total number of cloture motions filed each session of Congress under this majority leadership has roughly doubled compared to the period from 1991 to 2006, under majority leaders of both political parties. Before 1991, cloture was even more rare. This is a sign that cloture is being overused, even abused, by the majority.

Still, if this alarming rise in cloture motions was a legitimate response to a minority of Senators insisting on extended debate to delay proceedings beyond what is necessary for reasonable deliberation, otherwise known as a filibuster, then of course it would be justified. That is clearly not the case when the overwhelming number of motions to cut off debate are made before debate has even started.

What amount of time is necessary for deliberations and what is purely dilatory in any particular case is, of course, a subjective determination. However, the practice of routinely moving to cut off consideration of virtually every measure when there has not even yet been any deliberation cannot be justified in a body termed ''the most deliberative body in the world''—that being the U.S. Senate.

So we are in a situation where this is very much an abuse of the cloture motion. Along with the routine blocking of amendments, cloture abuse is preventing Senators from doing what we are paid to do; that is, to represent the people of our States.

Shutting Senators out of the deliberative process isn't just an argument about dry Senate procedure, as the majority leader has tried to suggest in response to criticisms. When Senators are blocked from participating in the legislative process, the people they represent are effectively disenfranchised.

When I say people are disenfranchised when the majority leadership shuts Senators out of the process, I don't just mean citizens of the 45 States that elected Republican Senators. The citizens of States that elected Democratic Senators also expect those Senators to offer amendments and engage with their colleagues from different parties. Shutting down consideration of a bill before it has been considered prevents even Members of the majority party from offering amendments which may be important to the people of their respective States. Voters have a right to expect the people they elect to actually do the hard work of representing them, not just be a rubberstamp for their leadership's legislative agenda.

Senators who go along with tactics which disenfranchise their own constituents should have to answer to those who voted them into office as to why they aren't willing to do the job they were elected to do. That job includes not just offering amendments

when appropriate but taking tough votes which reveal to their constituents where that Senator stands. The majority leader has gone out of his way to shield members of his caucus from taking votes that may hurt them back home. Senators don't have any right to avoid tough votes. That is not the deliberative process James Madison envisioned and expressed in the writings of the Federalist Papers.

If we are going to have good laws which can stand the test of time, the Senate must be allowed to function as it was intended to function. One aspect of what is needed to return the Senate to its proper function as a deliberative body is to end cloture abuse.

I would ask my colleagues to reflect on all the changes to the Senate recently, including those negotiated between the two leaders a year ago in return for a promise—which was not kept—not to use the nuclear option, as well as the subsequent use of the nuclear option yet 10 months later, last November.

Those reforms, if you can call them reforms, have been in the direction of reducing the ability of individual Senators to represent the people of their States and at the same time concentrating power with the majority leadership. It is time we had some reforms to get the Senate back functioning as a deliberative body as was intended under the Constitution. The Senate is supposed to be a place where all voices are heard and reason can rise above partisanship.

I urge all my colleagues to reflect on these thoughts and think about our responsibility to the people of our States. If we do, I am sure we can come up with some sensible reforms to end the abuse of cloture and restore the Senate to the deliberative body the Framers of the Constitution intended it to be and, most importantly, as expressed by James Madison. I will be thinking about that, and I would encourage all my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

OBAMACARE

Mr. WICKER. Mr. President, the distinguished Senator from Iowa talks convincingly and persuasively about so many times when Members are shut out of the process. Certainly chief among those would have been in 2009, when we could have used the expertise of Senator GRASSLEY, had our colleagues across the aisle been willing to work with him in a bipartisan fashion to write a bipartisan health care bill which employed market principles and competition. Instead, just as he mentioned in his remarks, he was shut out of the process, as were all Republicans. So we have an ObamaCare law on the books now supported by every Democrat in the Senate and supported by no Republicans, some 18 percent of our gross domestic product turned on its head by this legislation, and it was not done in a bipartisan fashion as anything this big should be done. The Senator is correct, and I appreciate him mentioning the larger sense in which Members feel they are being shut out of the process.

I rise tonight particularly to call Members' attention to an op-ed in today's Wall Street Journal, Monday, February 24, page A–15, entitled ''ObamaCare and My Mother's Cancer Medicine,'' by Stephen Blackwood.

I have no idea about Stephen Blackwood's politics. The article at the end says Mr. Blackwood is president of Ralston College, a planned liberal arts institution in Savannah, GA. So I know he comes from academia, and I know he loves his mother and is concerned with what ObamaCare has done to his mother's cancer coverage.

The story Mr. Blackwood tells about his mother Catherine reflects the very real life-or-death consequences of the President's health care law. Many of us who oppose the law often point to the financial costs, the delays, and the flawed implementation. But the human aspect is much more tragic.

In relaying his family's current situation in this op-ed in the Wall Street Journal today, Mr. Blackwood depicts the law's devastating effects on individual Americans. He begins by saying:

When my mother was diagnosed with carcinoid cancer in 2005, when she was 49, it came as a lightning shock.

I know it would to any family. He goes on to say later:

Anyone who's been there knows that a cancer diagnosis is terrifying.

He explains later on in the op-ed that:

Carcinoid, a form of neuroendocrine cancer, is a terminal disease but generally responds well to treatment by Sandostatin, a drug that slows tumor growth and reduces (but does not eliminate) the symptoms of fatigue, nausea, and gastrointestinal dysfunction. My mother received a painful shot twice a month and often couldn't sit comfortably for days afterwards.

As with most cancers, one thing led to another. There have been several more surgeries, metastases, bone deterioration, a terrible bout of thyroiditis (an inflammation of the thyroid gland) and much more. But my mother kept fighting, determined to make the most of life, no matter what it brings. She has indomitable will and is by far the toughest person I've ever met. But she wouldn't be here without the semimonthly Sandostatin shot that slows the onslaught of her disease.

And then in November, along with millions of other Americans, she lost her health insurance. She'd had a Blue Cross/Blue Shield plan for nearly 20 years. It was expensive, but given that it covered her very expensive treatment, it was a terrific plan. It gave her access to any specialist or surgeon, and to the Sandostatin and other medications that were keeping her alive.

And then, because our lawmakers and the president thought they could do better, she had nothing. Her old plan, now considered illegal under the new health law, had been canceled.

Because the exchange website in her state (Virginia) was not working, she went directly to insurers' websites and telephoned them, one by one—

This is a woman with carcinoid cancer whose policy has been cancelled because of ObamaCare

—over dozens of hours. As a medical office manager, she had decades of experience navigating the enormous problems of even our pre-ObamaCare system.

Even with her experience, she had trouble with the repeated and prolonged phone waits, which Mr. Blackwood described as Sisyphean. In the end, she was told she could purchase a Humana policy.

The enrollment agent said that after she met her deductible for all her treatments and medications, including those for cancer, she would be covered 100 percent. However, the enrollment agents did not have access to the coverage formularies for the plans they were selling. They said the only way to find out what was in the plan in detail was to buy the plan.

Does that sound familiar? It sounds like what the former Speaker of the House, NANCY PELOSI, famously told us in 2009. We have to hurry up and pass the bill so we can find out what is in it.

In this case, Mrs. Blackwood needed to hurry up and buy the insurance plan—pay the premiums—so she could then find out whether she was covered, and it turns out she was not covered. The cost of the Sandostatin alone, since January 1 of this year, was $14,000, and the company was refusing pay.

To quote Mr. Blackwood further:

The news was dumbfounding. This was a woman who had an affordable health plan that covered her condition. Our lawmakers weren't happy with that because . . . they wanted plans that were affordable and covered her condition. So they gave her a new one. It doesn't cover her condition and it's completely unaffordable.

Though I'm no expert on ObamaCare (at 10,000 pages, who could be?), I understand that the intention—or at least the rhetorical justification—of this legislation was to provide coverage for those who didn't have it. But there is something deeply and incontestably perverse about a law that so distorts and undermines the free activity of individuals that they can no longer buy and sell the goods and services that keep them alive. ObamaCare made my mother's old plan illegal, and it forced her to buy a new plan that would accelerate her disease and death. She awaits an appeal from her insurer.

Will this injustice be remedied, for her or millions of others? Or is my mother to die because she can no longer afford the treatment that keeps her alive?

Like every American, I want affordable health care, and I'm open to innovative solutions of all kinds—individual, corporate, forprofit, nonprofit and public. It will take all of these, and all the intelligence, creativity and self-discipline we have, as well as everything we can offer one another as families, neighbors, friends and citizens—and it still won't be perfect. But it is precisely because health care for 300 million people is so complicated that it cannot be centrally managed.

Mr. Blackwood concludes:

The ''Affordable'' Care Act is a brutal, Procrustean disaster. In principle, it violates the irreducible particularity of human life, and in practice it will cause many individuals to suffer and die. We can do better, and we must.

At this point, I ask unanimous consent that this opinion piece by Stephen Blackwood be printed in the RECORD.

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

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

[From the Wall Street Journal, Feb. 24, 2014]

OBAMACARE AND MY MOTHER'S CANCER MEDICINE

(By Stephen Blackwood)

When my mother was diagnosed with carcinoid cancer in 2005, when she was 49, it came as a lightning shock. Her mother, at 76, had yet to go gray, and her mother's mother, at 95, was still playing bingo in her nursing home. My mother had always been, despite her diminutive frame, a titanic and irrepressible force of vitality and love. She had given birth to me and my nine younger siblings, and juggled kids, home and my father's medical practice with humor and grace for three decades. She swam three times a week in the early mornings, ate healthily and never smoked.

And now, cancer? Anyone who's been there knows that a cancer diagnosis is terrifying. A lot goes through your mind and heart: the deep pang of possible loss (what would my father and all of us do without her?), and the anguish and anger at what feels like injustice (after decades of mothering and managing dad's practice, she was just then going back to school).

We, as a family, were scared and angry, but from the beginning we knew we would do all we could to fight this disease. We became involved with fundraising for research, through the Caring for Carcinoid Foundation in Boston; we blogged; we did triathlons (my mother's idea) and cherished our time together as never before.

Carcinoid, a form of neuroendocrine cancer, is a terminal disease but generally responds well to treatment by Sandostatin, a drug that slows tumor growth and reduces (but does not eliminate) the symptoms of fatigue, nausea and gastrointestinal dysfunction. My mother received a painful shot twice a month and often couldn't sit comfortably for days afterward.

As with most cancers, one thing led to another. There have been several more surgeries, metastases, bone deterioration, a terrible bout of thyroiditis (an inflammation of the thyroid gland), and much more. But my mother has kept fighting, determined to make the most of life, no matter what it brings. She has an indomitable will and is by far the toughest person I've ever met. But she wouldn't still be here without that semimonthly Sandostatin shot that slows the onslaught of her disease.

And then in November, along with millions of other Americans, she lost her health insurance. She'd had a Blue Cross/Blue Shield plan for nearly 20 years. It was expensive, but given that it covered her very expensive treatment, it was a terrific plan. It gave her access to any specialist or surgeon, and to the Sandostatin and other medications that were keeping her alive.

And then, because our lawmakers and president thought they could do better, she had nothing. Her old plan, now considered illegal under the new health law, had been canceled.

Because the exchange website in her state (Virginia) was not working, she went directly to insurers' websites and telephoned them, one by one, over dozens of hours. As a medical-office manager, she had decades of experience navigating the enormous problems of even our pre-ObamaCare system. But nothing could have prepared her for the bureaucratic morass she now had to traverse.

The repeated and prolonged phone waits were Sisyphean, the competence and customer service abysmal. When finally she found a plan that looked like it would cover her Sandostatin and other cancer treatments, she called the insurer, Humana, to confirm that it would do so. The enrollment agent said that after she met her deductible, all treatments and medications—including those for her cancer—would be covered at 100%. Because, however, the enrollment agents did not—unbelievable though this may seem—have access to the ''coverage formularies'' for the plans they were selling, they said the only way to find out in detail what was in the plan was to buy the plan. (Does that remind you of anyone?)

With no other options, she bought the plan and was approved on Nov. 22. Because by January the plan was still not showing up on her online Humana account, however, she repeatedly called to confirm that it was active. The agents told her not to worry, she was definitely covered.

Then on Feb. 12, just before going into (yet another) surgery, she was informed by Humana that it would not, in fact, cover her Sandostatin, or other cancer-related medications. The cost of the Sandostatin alone, since Jan. 1, was $14,000, and the company was refusing to pay.

The news was dumbfounding. This is a woman who had an affordable health plan that covered her condition. Our lawmakers weren't happy with that because . . . they wanted plans that were affordable and covered her condition. So they gave her a new one. It doesn't cover her condition and it's completely unaffordable.

Though I'm no expert on ObamaCare (at 10,000 pages, who could be?), I understand that the intention—or at least the rhetorical justification—of this legislation was to provide coverage for those who didn't have it. But there is something deeply and incontestably perverse about a law that so distorts and undermines the free activity of individuals that they can no longer buy and sell the goods and services that keep them alive. ObamaCare made my mother's old plan illegal, and it forced her to buy a new plan that would accelerate her disease and death. She awaits an appeal with her insurer.

Will this injustice be remedied, for her and for millions of others? Or is my mother to die because she can no longer afford the treatment that keeps her alive?

Like every American, I want affordable health care, and I'm open to innovative solutions of all kinds—individual, corporate, forprofit, nonprofit and public. It will take all of these, and all the intelligence, creativity and self-discipline we have, as well as everything we can offer one another as families, neighbors, friends and citizens—and it still won't be perfect. But it is precisely because health care for 300 million people is so complicated that it cannot be centrally managed.

The ''Affordable'' Care Act is a brutal, Procrustean disaster. In principle, it violates the irreducible particularity of human life, and in practice it will cause many individuals to suffer and die. We can do better, and we must.

Mr. WICKER. We talk a lot about the failures of the Affordable Care Act. Because of ObamaCare, 7 million people are expected to lose their employer-sponsored health insurance by 2024. Another 5 million Americans have seen their health care plans canceled, and one of them is Mrs. Blackwood.

I say again to my colleagues and everyone within the sound of my voice, I don't know the politics of the Blackwood family. They had an insurance policy that worked for Mrs. Blackwood. It covered a vital drug—Sandostatin—that kept her alive from the disease of carcinoid cancer, and she has lost that coverage because of the very act that was supposed to help people.

Mr. Blackwood says, ''We can do better,'' and I suggest we can do better. We need to repeal this ill-considered law which has caused so much pain for millions and millions of Americans and still left 31 million people uninsured.

We need to work together across the aisle in a bipartisan way to fix this system and have a system that doesn't throw innocent and sick people out of their insurance coverage and threaten their health and their very lives.

I yield the floor.

● Mr. NELSON. Mr. President, today the Senate will vote to confirm the nomination of Jeffrey Meyer to fill a judicial vacancy on the U.S. District Court for the District of Connecticut. Although I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Connecticut. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.●

Mr. LEAHY. I see the majority leader is on the floor. Obviously, he is seeking recognition.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, if the President pro tempore could wait for just a minute, I wish to tell everyone what we are going to do this evening. We will have two more votes tonight.

I ask unanimous consent that if cloture is invoked on Executive Calendar No. 570, at 11:15 tomorrow, Tuesday, February 25, the Senate proceed to Executive Session and that all postcloture time with respect to Calendar No. 570 be dispensed with and the Senate proceed to vote on the confirmation; further, that following disposition of Calendar No. 570, the Senate proceed to vote on cloture on Calendar No. 566, and that if cloture is invoked, all postcloture time be dispensed with and the Senate proceed to vote on Calendar No. 566; further, that following disposition of Calendar No. 566, the Senate proceed to vote on cloture of Calendar No. 567, and that if cloture is invoked, all postcloture time be dispensed with and the Senate proceed to vote on confirmation of Calendar No. 567; that all after the first vote on Tuesday be 10 minutes in length; that with respect to the above nominations the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

I express appreciation to my friend for yielding to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that there be 2 minutes for debate equally divided in the usual form prior to the second rollcall vote tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, when I was in third grade, I read all of Dickens and all of Robert Louis Stevenson. I remember two words that really struck me during that time. The words ''pettifoggery'' and ''balderdash.'' I have heard more pettifoggery and balderdash on the other side this evening than I could imagine.

The fact of the matter is this. The Republican Party—and many of them are dear friends of mine—orchestrated a partial shutdown of the government last year. It cost the taxpayers tens of billions of dollars and it accomplished nothing. Well, I shouldn't say it accomplished nothing. It stopped cancer research and a number of other things. Now they are trying the same thing with the Federal judiciary by taking judges who had passed out of the Senate Judiciary Committee unanimously and doing what the Republicans did with the very first nominee of President Obama who came up. They filibustered it—something that had not been done ever in my 40 years here with either Republican or Democratic presidents—ever. This was a judge supported by the most senior Republican in the Senate.

Shortly after that, the Republican leader said his primary goal was for President Obama to fail. Unfortunately for them, he didn't. He was reelected resoundingly. But they have now achieved a partial shutdown of the Federal judiciary by blocking these judges. It is balderdash and pettifoggery.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. I yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, the time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut?

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The legislative called the roll.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Idaho (Mr. RISCH), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

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

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—91

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

NAYS—2

Coburn	Crapo

NOT VOTING—7

Blunt	Murkowski	Toomey
Cornyn	Nelson	
Graham	Risch	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the motion to reconsider be considered made and laid on the table and the President be immediately notified of the Senate's action.

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

NOMINATION OF JAMES M. MOODY, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the next vote.

● Mr. NELSON. Mr. President, today the Senate will vote to invoke cloture on the nomination of James Moody to fill a judicial vacancy on the U.S. District Court for the Eastern District of Arkansas. Though I was not able to be present to cast my vote this afternoon, I fully support the nomination of this qualified individual to fill the vacancy in Arkansas. If I had been here I would have voted to confirm this highly qualified nominee. It would not have changed the outcome of the vote. I want to congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.●

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise to encourage my colleagues to support the nomination of James M. Moody to be a Federal judge in the Eastern District of Arkansas. He is highly qualified, completely noncontroversial, stellar across the board, and meets every criteria anyone could ever have.

So when the times comes, I would appreciate a great vote for Judge Moody.

The PRESIDING OFFICER (Ms. WARREN). The Senator from Vermont.

Mr. LEAHY. Madam President, this is just one more of those judges who passed unanimously from the Senate Judiciary Committee. Every Republican, every Democrat voted for him. He has been held up and delayed by Republicans who, I am afraid, are trying to do the same to the Federal judiciary they did to the Federal Government by closing it down.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield back our time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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 James Maxwell Moody, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Harry Reid, Patrick J. Leahy, Mark L. Pryor, Mark Begich, Robert Menendez, Benjamin L. Cardin, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James Maxwell Moody, Jr., of Arkansas to be United States District Judge for the Eastern District of Arkansas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.