

detained indefinitely without charge or trial.

I am also cosponsoring an amendment with Senator PRYOR to make sure that our dual status National Guard technicians are treated on an equal footing as our Active-Duty personnel. If our Active-Duty personnel are exempted from sequestration, then the National Guard dual status technicians—who are effectively the equivalent of Active-Duty military in the National Guard—should be exempt as well.

Let me close by thanking Chairman LEVIN and Ranking Member INHOFE for their hard work in putting together a bipartisan bill that addresses the needs of our military and our national security.

Mr. CRUZ. Madam President, I strongly oppose efforts to close down debate on the National Defense Authorization Act.

It is a shame that despite being on this bill for four days, we have only had two rollcall votes for amendments. Over 400 amendments have been filed and we only found time to vote twice.

This is unacceptable. While I voted against this legislation in committee because it clearly and significantly ignored the budget caps put in place by sequestration, there are significant provisions worthy of support.

The Senate worked in a bipartisan manner with leadership from the junior Senator from New York to consider an amendment to reform and modernize our military justice system. This amendment was carefully crafted in anticipation that it would receive a roll call vote on the Senate floor and I proudly cosponsored and supported this amendment.

The junior Senator from Indiana had an amendment to help military reservists and the National Guard be recognized for their service and qualify for veterans' preference in hiring for federal jobs. His amendment deserves consideration and a vote.

Democrats and Republicans in the Armed Services Committee adopted several of my amendments to this bill to protect the religious liberty of our troops serving here in the United States and overseas. The Armed Services Committee also accepted my proposals to prohibit a base realignment and closure commission until after the Department of Defense conducts an exhaustive review of our overseas bases, and to study how the entire United States should be protected against threats from a missile launch.

Also, I am seeking an up-or-down vote or an acceptance of an amendment I filed to authorize up to a \$10 million reward for any information regarding the terrorist attacks against Americans in Benghazi, Libya. I have been very flexible in accepting edits and changes from the majority in order to speed this process along.

The same goes for my amendment to protect the Mount Soledad veterans' memorial in California. In fact, the senior Senator from California filed the exact same legislation. So this is

not a political or partisan amendment but yet it is still being denied consideration.

For these reasons and for the obstruction by the Senate majority leader who accuses the minority of being obstructionist, I oppose ending debate on the National Defense Authorization Act.

Mr. INHOFE. Would the Chairman yield?

Mr. LEVIN. I would be happy to yield.

The PRESIDING OFFICER. All time has expired.

Mr. INHOFE. Parliamentary inquiry? We were to be given equal time for the last 10 minutes. I had 3 minutes. All I want to do is ask a question. Am I entitled to do that?

Mr. LEVIN. I ask unanimous consent that be allowed.

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

Mr. INHOFE. Everything my Chairman has said I agree with. He is making my speech for me. It is critical we get the bill. All I am saying is I made the statement yesterday that Republicans are entitled to some amendments. I am asking now—we were able to get it down to 25 amendments to be considered. Will the majority consider these 25 amendments which can be done in half a day? Would he consider that?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, there are no Democrat amendments on his list.

Mr. INHOFE. I said 25 amendments. This is our list. You come up with your list.

Mr. LEVIN. We cannot agree with a list of amendments, many of which are not agreed to on this side, many of which would be filibustered on this side, which would result in just making it impossible for us to get to a Defense authorization bill conclusion.

I ask unanimous consent that a unanimous consent request—which I was going to make but I will withhold—that lists 26 amendments, half Democratic, half Republican, that I was going to ask consent be adopted because they have been cleared—which I understand will be objected to so I will not make the unanimous consent request—be printed in the RECORD.

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

LEVIN AMENDMENTS ON DOD AUTH REQUEST

I ask unanimous consent that prior to the vote on the motion to invoke cloture on S. 1197, the motion to recommit be withdrawn; the pending Levin amendment #2123 be set aside for Senator Gillibrand, or designee, to offer amendment #2099 relative to sexual assault; that the amendment be subject to a relevant side-by-side amendment from Senators McCaskill and Ayotte, amendment #2170; that no second degree amendments be in order to either of the sexual assault amendments; that each of these amendments be subject to a 60 affirmative vote threshold; the Senate proceed to vote in relation to the Gillibrand amendment #2099; that upon disposition of the Gillibrand amendment, the Senate proceed to vote in relation to the

McCaskill-Ayotte amendment #2170; that there be two minutes equally divided in between the votes; upon disposition of the McCaskill-Ayotte amendment and prior to the cloture vote, the following amendments be in order to the bill and called up, en bloc:

Inhofe #2031
Chambliss #2038
Graham #2062
Collins #2064
Thune #2093
Flake #2263
Kirk #2287
Johanns #2348
Moran #2365
McCain #2489
Lee #2453
Portman #2461
Cruz #2511
Gillibrand #2283
Warner #2415
Heinrich #2243
Durbin #2278
Kaine #2424
Boxer #2081
Hagan #2391
Wyden #2282
Blumenthal #2121
Manchin #2251
Coons #2442
McCaskill #2171; and
Levin #2404

That these amendments be agreed to, en bloc; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that upon disposition of these amendments, the Senate proceed to the cloture vote as provided under the previous order.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 S. 1197, a bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Richard J. Durbin, Tim Kaine, Dianne Feinstein, Kay R. Hagan, Barbara A. Mikulski, Joe Donnelly, Mark Udall, Claire McCaskill, Christopher A. Coons, Jeanne Shaheen, Mark R. Warner, Jack Reed, Patty Murray, Bill Nelson, Angus S. King, Jr.

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 S. 1197, an original bill to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, 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. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Texas (Mr. CORNYN), and the Senator from Nevada (Mr. HELLER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “nay.”

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—51

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

NAYS—44

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

NOT VOTING—5

Cornyn	Heller	Warner
Cruz	Markley	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 1197.

The PRESIDING OFFICER. The motion is entered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. I move to proceed to the consideration of S. Con. Res. 28 as provided for under the previous order.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the concurrent resolution.

Mr. REID. 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 clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), and the Senator from Nevada (Mr. HELLER). Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “nay.”

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

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—51

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

NAYS—42

Alexander	Fischer	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Hoeven	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Scott
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Thune
Corker	Lee	Toomey
Crapo	McCain	Udall (CO)
Donnelly	McConnell	Vitter
Enzi	Moran	Wicker

NOT VOTING—7

Ayotte	Flake	Warner
Cornyn	Heller	
Cruz	Tester	

The concurrent resolution (S. Con. Res. 28) was agreed to, as follows:

S. CON RES. 28

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, November 21, 2013, through Friday, December 6, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand re-

cessed or adjourned until 12:00 noon on Monday, December 9, 2013, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 or section 3 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, November 21, 2013, through Tuesday, November 26, 2013, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, December 2, 2013, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SEC. 3. After the House reassembles pursuant to the first section of this concurrent resolution, the Majority Leader of the Senate after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in his opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

NOMINATION OF PATRICIA ANN MILLETT TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Continued

Mr. REID. Mr. President, I ask for regular order regarding the Millett nomination.

The PRESIDING OFFICER. Regular order is requested.

The Senate resumes executive session to consider the Millett nomination, postcloture.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

CHANGING SENATE RULES

Mr. MCCAIN. Mr. President, the events and votes that took place today are probably as historic as any votes that I have seen taken in the years I have been here in the Senate.

The majority, with only majority votes—the same as ObamaCare passed with only Democratic votes—changed the rules of the Senate in a way that is detrimental, in my view, not only to the Senate, not only to those of us in the minority party, but great damage to the institution itself.

One of the men who served in this Senate for a long, long time, whom we respected as much or more than any other leader—he certainly knew the Senate rules more than any of the rest of us combined—was one Robert Byrd. Three months before his death, Robert