

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	Hoeben	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	Markey	

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	Markey	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	Hoeben	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

Byrd wrote this letter. Three months before his death, he said:

During my half-century of service in various leadership posts in the U.S. Senate—including Minority Leader, Majority Leader, Majority Whip and now President Pro Tempore—I have carefully studied this body's history, rules, and precedents. Studying those things leads one to an understanding of the Constitutional Framers' vision for the Senate as an institution, and the subsequent development of the Senate rules and precedents to protect that institutional role.

This is important, I say to my colleagues.

He said:

I am sympathetic to frustrations about the Senate's rules, but those frustrations are nothing new. I recognize the need for the Senate to be responsive to changing times, and have worked continually for necessary reforms aimed at modernizing this institution, using the prescribed Senate procedure for amending the rules.

However, I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority, while popular, are grossly misguided. While I welcome needed reform, we must always be mindful of our first responsibility to preserve the institution's special purpose.

Finally, at the end, he said:

Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

Mr. President, I ask unanimous consent that this letter by Robert Byrd be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 23, 2010.

DEAR COLLEAGUE: During my half-century of service in various leadership posts in the U.S. Senate—including Minority Leader, Majority Leader, Majority Whip and now President Pro Tempore—I have carefully studied this body's history, rules and precedents. Studying those things leads one to an understanding of the Constitutional Framers' vision for the Senate as an institution, and the subsequent development of the Senate rules and precedents to protect that institutional role.

I am sympathetic to frustrations about the Senate's rules, but those frustrations are nothing new. I recognize the need for the Senate to be responsive to changing times, and have worked continually for necessary reforms aimed at modernizing this institution, using the prescribed Senate procedure for amending the rules.

However, I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority, while popular, are grossly misguided. While I welcome needed reform, we must always be mindful of our first responsibility to preserve the institution's special purpose. The occasional abuse of the rules has been, at times, a painful side effect of what is otherwise the Senate's greatest purpose—the right to extended, or even unlimited, debate.

If the Senate rules are being abused, it does not necessarily follow that the solution is to change the rules. Senators are obliged to exercise their best judgment when invoking their right to extended debate. They also should be obliged to actually filibuster, that is go to the Floor and talk, instead of finding

less strenuous ways to accomplish the same end. If the rules are abused, and Senators exhaust the patience of their colleagues, such actions can invite draconian measures. But those measures themselves can, in the long run, be as detrimental to the role of the institution and to the rights of the American people as the abuse of the rules.

I hope Senators will take a moment to recall why the devices of extended debate and amendments are so important to our freedoms. The Senate is the only place in government where the rights of a numerical minority are so protected. Majorities change with elections. A minority can be right, and minority views can certainly improve legislation. As U.S. Senator George Hoar explained in his 1897 article, "Has the Senate Degenerated?", the Constitution's Framers intentionally designed the Senate to be a deliberative forum in which "the sober second thought of the people might find expression."

Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

With kind regards, I am
Sincerely yours,

ROBERT C. BYRD.

Mr. MCCAIN. Mr. President, I wish Robert Byrd had been here on the floor today. I wish Robert Byrd had seen the travesty that just took place on a party-line vote. And when I use the word "hypocrisy," I use it guardedly. I do not use that word with abandon. But this is another broken promise—another broken promise.

I read from an article entitled "FLASHBACK: Reid in 2008: 'As Long As I Am The Leader' We Will Not Have a Nuclear Option."

Sen. Harry Reid said in a 2008 interview that as long as he was the Senate Majority Leader, the nuclear option would never happen under his watch.

"As long as I am the Leader, the answer's no," he said. "I think we should just forget that. That is a black chapter in the history of the Senate. I hope we never, ever get to that again because I really do believe it will ruin our country."

He was talking about 2005 when this side of the aisle was in the majority and there was an effort—which we were able to diffuse—in order to do exactly what we did today. In 2008:

Reid railed against Republicans who fought for the measure, saying it would lead to a unicameral legislature and that the U.S. Senate was purposefully set up by the Founding Fathers to have different rules than the House of Representatives. Such a measure like the nuclear option, he said, would "change our country forever."

I am sorry to say, I agree with him. I agree with what he said in 2008. Yet, on Thursday, on a nearly party-line vote of 52-48, the Democrats abruptly changed the Senate's balance of power.

Here is the full exchange I will read from.

Tom Daschle: What was the nuclear option, and what likelihood is there that we're going to have to face nuclear option-like questions again?

This is an interview that the majority leader had with the former majority leader Tom Daschle.

What the Republicans came up with was a way to change our country forever. They

made a decision if they didn't get every judge they wanted, every judge they wanted, then they were going to make the Senate just like the House of Representatives. We would in fact have a unicameral legislature where a simple majority would determine whatever happens. In the House of Representatives today, Pelosi's the leader. Prior to that, it was Hastert. Whatever they wanted, Hastert or Pelosi, they get done. The rules over there allow that. The Senate was set up to be different.

That was the genius, the vision of our Founding Fathers, that this bicameral legislature which was unique, had two different duties. One was as Franklin said, to pour the coffee into the saucer and let it cool off. That's why you have the ability to filibuster and to terminate filibuster. They wanted to get rid of all of that, and that's what the nuclear option was all about.

Daschle: And is there any likelihood that we're going to face circumstances like that again?

Reid: As long as I am the Leader, the answer's no.

I repeat. He said, "As long as I'm the Leader, the answer's no."

I think we should just forget that. That is a black chapter in the history of the Senate. I hope we never, ever get to that again because I really do believe it will ruin our country. I said during that debate that in all my years in government, that was the most important thing I ever worked on.

This gives new meaning as to where you stand on an issue as opposed to where you sit. This hypocrisy is not confined to Members of the Senate. Senator Barack Obama, former Member of this body, on April 1, 2005, for the benefit especially of our newer Members on the Democratic side who were not here at the time and do not know what we went through to try to stop it when it was being proposed by this side of the aisle, then-Senator Barack Obama said—who congratulated the Senate today on our action. He said:

The American people sent us here to be their voice. They understand that those voices can at times become loud and argumentative, but they also hope we can disagree without being disagreeable.

Then-Senator Barack Obama went on to say:

What they don't expect is for one party, be it Republican or Democrat, to change the rules in the middle of the game so that they can make all of the decisions while the other party is told to sit down and keep quiet.

I ask my colleagues, what were we just told to do today?

He went on to say that the American people want less partisanship in this town. But everyone in this Chamber knows that if the majority chooses to end the filibuster:

If they choose to change the rules and put an end to the Democratic debate, then the fighting and the bitterness and the gridlock will only get worse.

He went on to say:

Now, I understand the Republicans are getting a lot of pressure to do this from factions outside the Chamber. But we need to rise above the ends-justifies-the-means mentality, because we're here to answer to the people, all of the people, not just the ones that are wearing our particular party label.

He went on to say:

If the right of open and free debate is taken away from the minority party and the

millions of Americans who ask us to be their voice, I fear that already partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything.

That does not serve anyone's best interests. It certainly is not what the patriots who founded this democracy had in mind.

We owe the people who sent us here more than that. We owe them much more. There are several other—in May 2005, Senator REID also said:

If there was ever an example of an abuse of power, this is it. The filibuster is the last check we have against the abuse of power in Washington.

We just eliminated the filibuster, my dear friends, on nominees.

Then he went on to say in April of 2005:

The threat to change Senate rules is a raw abuse of power and will destroy the very checks and balances our Founding Fathers put in place to prevent absolute power by any one branch of government.

So, yes, I am upset. Yes, on several occasions we have gotten together on a bipartisan basis and prevented what exactly happened today. What exactly happened today is not just a shift in power to appoint judges. That, in itself, is something that is very important. But what we really did today and what is so damning and what will last for a long time, unless we change it, that could permanently change the unique aspects of this institution, the Senate, is if only a majority can change the rules, then there are no rules. That is the only conclusion anyone can draw from what we did today.

Suppose that in a few weeks the majority does not like it that we object to the motion to proceed: 51 votes. Suppose on cloture, they do not like having those votes for cloture: 51 votes. My friends, we are approaching a slippery slope that will destroy the very unique aspects of this institution called the Senate.

I believe the facts will show, as the Republican leader pointed out today, that this was a bit of a strawman. Yes, there have been a handful, a small number, of nominees who were rejected by this side of the aisle. But there have been literally hundreds and hundreds of nominees who have not even been in debate on the floor of the Senate.

All I can say is, when people make a commitment such as I just read from the President of the United States when he was in the Senate, from our majority leader, we should not be surprised when there is a great deal of cynicism about when we give our word and our commitment. I go back to the man I probably respected more than anyone in the years I have been in the Senate, one Robert Byrd. One thing I can promise you, if Robert Byrd had been sitting over in the majority leader's chair today, we would not have seen the events that transpired. This is a sad day.

I am angry, yes. We will get over the anger. But the sorrow at what has been

done to this institution will be with us for a long time.

I yield the floor.
The PRESIDING OFFICER (Mr. MARKEY.) The Senator from Alabama.

Mr. SESSIONS. Mr. President, I want to thank Senator MCCAIN, because I remember very vividly Senator MCCAIN was part of a group of 14 Senators who avoided this kind of occurrence.

In 2005, I guess it was, right after President Bush took office, a group of Senators, really the entire Democratic Conference, went into a retreat, as reported by the New York Times. I think Senator SCHUMER was the organizer of it, but the whole conference attended. Cass Sunstein, Laurence Tribe, Marcia Greenberger were their experts. They discussed what to do about President Bush's new election and his ability to appoint judges. They announced they were changing the ground rules of confirmation, and for the first time immediately thereafter the Bush nominees were filibustered systematically. He nominated a Mr. Gregory who had been nominated by President Clinton and not confirmed. President Bush renominated him in a bipartisan act. He was promptly confirmed.

But I believe the very next 10 nominees were all filibustered, every one of them. We had never seen a real filibuster of any judges at that time. But they were changing the ground rules to commit systematic filibusters. They filibustered virtually the first 10 judges President Bush nominated. It went on for weeks and months.

We brought up nominees every way we could. These were some fabulous nominees, Supreme Court Justices, people with high academic records. But they were all blocked. It was something we had never seen before in the Senate. There was great intensity of focus on it. It went on for quite a long time.

Finally there was a feeling on this side that this systematic filibuster was so significant that it undermined and neutered the ability of the President of the United States to appoint judges. There was a discussion about changing the rules. As time went by, that became more and more of a possibility. I think the American people turned against my colleagues who were blocking these judges, because they did not appreciate it.

But finally a compromise was reached. This was what it amounted to: We will not filibuster a judge unless there are substantial reasons to do so. That was sort of the agreement. At that moment, five judges were confirmed—and a lot of people remember that. But what is forgotten is five went down. Five highly qualified judges were defeated on a partisan, ideological basis right out of the chute. They were some of the first judges President Bush ever nominated.

I would just say that what has happened so far is that we have confirmed over 200 of President Obama's judges. Only two have been blocked. They have

brought forth at this time three judges for the DC Circuit, the District of Columbia Circuit, the Federal Circuit. They are not needed. This country is financially broke. Even with the vacancies on the court today, with the 8 judges they have, their average caseload per active judge is 149. The average caseload for all the judges in all of the circuits around the country is 383, almost 3 times, more than twice. My circuit, the Eleventh Circuit, the average caseload per judge is 778. They say they are not asking for more judges; they have been able to maintain that caseload.

They say: Well, this is such a horrible, complex circuit. It is not a horrible, complex circuit. That is not so. The judges take the whole summer off because they do not have sufficient caseloads to remain busy. Judges on that circuit say they do not need any more judges. They do not need any more judges.

I have been the ranking Republican on the courts subcommittee of the Judiciary Committee and chairman of it at times. The entire time I have been in the Senate I have been on that subcommittee one way or the other. I know how the caseloads are calculated, weighted caseloads and actual caseloads.

That is why these judges were not confirmed, because we do not need them. Not for some ideological purpose. But the reason the President has insisted that they be appointed is an ideological purpose, because he wants to pack that court because he thinks he can impact regulatory matters for years to come. But I would just say, President Bush tried to do the same thing. Senator GRASSLEY and I, who had been opposing to expanding the circuit, resisted President Bush's importunings to approve one of his judges.

We eventually were able to fully transfer and close out one of those slots and move it to the Ninth Circuit where the judge was needed. Still, the caseloads have dropped. The caseloads in the DC Circuit have continued to drop year after year after year.

We are going broke. This country doesn't have enough money to do its business. We are borrowing and placing our children at great risk. It is obvious we ought not to fill a judgeship we don't need. It is about \$1 million a year, virtually \$1 million a year to fund one of these judgeships. For the judges, the clerks, the supporting secretaries, the computer systems, and courtrooms we have to supply is \$1 million. It is similar to burning \$1 million a year on The Mall. We don't have \$1 million a year to throw away.

We have other places in America that need judgeships. Senator GRASSLEY has asked—and I have supported—and our bill would call for hearings and then we would transfer these judges to places that have greater need. That is why the judges were not moved forward.

The caseloads continue to decline. The need is less than ever, and we don't

have the money to fill a slot we don't need.

It is heartbreaking to see that we have crossed this rubicon and changed these rules when the President—as a matter of actual ability to perform the job—has only had 2 judges fail to be confirmed out of over 200.

This is breathtaking to me. There is a growing concern on our side of the aisle that Senator REID, the majority leader, is very unwilling to accept the process. He is unwilling to accept the fact that he can't win every battle, and he changed the rules so he could win.

I feel this is a dark day for the Senate. I don't know how we can get out of it. It is the biggest rules change—certainly since I have been in the Senate, maybe my lifetime, and maybe in the history of the Senate—where it has changed by a simple majority by overruling the Chair.

The Parliamentarian advises the Presiding Officer of the Senate, when Senator REID asked that these judges be confirmed by a majority vote, the Parliamentarian advises the Chair and the Chair ruled we can't confirm them on a majority vote. We can't shut off debate without a supermajority vote. The Chair ruled.

Senator REID says: I appeal the ruling of the Chair. I ask my colleagues in the Senate to overrule the rules of the Senate, by a simple majority vote, to overrule the Parliamentarian and the Presiding Officer of the Senate.

This is what happened. When our rules say to change the rules of the Senate, it takes a two-thirds vote.

This is a dangerous path which I hope my colleagues understand. Many things that are bad have been happening in the Senate. I will speak more about things that should not have happened and are eroding the ability of this Senate and the way it should function, that are eroding the ability of individual Senators from either party to have their voices heard.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. I am a new Member of the Senate, serving in my first term. I was a Member of the House of Representatives before coming to the Senate, and I had great anticipation and expectation of the opportunity that service in this body presented to me.

The Presiding Officer of the Senate today has had similar experiences. We served in the House of Representatives together. The ability for an individual Senator, particularly a new Senator, and perhaps even more so, someone from a smaller, rural State, our ability to influence the outcome to receive attention and to have the administration's nominees come to pay a call on us to become acquainted is diminished.

In my view, today is the day that reduces the ability for all Senators to have influence in the outcome of the decisions of this body and therefore the outcome of the future of our country.

I don't understand why this happened today. The empirical evidence doesn't

suggest that Republicans have been abusive, that the minority party has failed in its obligation to be responsible.

We heard the words the Senator from Arizona Mr. McCAIN spoke about others—President Obama, the majority leader of the Senate, the former Senator from West Virginia Mr. Byrd—about their views on this issue. Yet the outcome today was something different, different from what they said only a short time ago.

It is hard to know why we did what we did today, but I know our ability as Senators of the United States to represent the people who hired us to represent them has been diminished.

I am reluctant to attribute motives as to why this occurred. In the absence of evidence that would suggest there is a justifiable reason, a justified reason for doing so, I am fearful that what is reported in the press and elsewhere is the reason the rules were changed, which makes today even more sad to me because the explanation for why the rules were changed was a political effort to change the topic of conversation in Washington, DC, and across the country.

The story is that the White House pressured the Senate to change its rules, not because the rules needed to be changed, there was abuse or because people actually believed this was a good rules change for the benefit of the Senate and the country but because the Affordable Care Act, ObamaCare, is front and center in the national media and on the minds of the American people. As ObamaCare is being implemented, people are discovering the serious problems it presents them and their families. Therefore, politically, we need to change the dialog, change the topic. For us to use a political reason to do so much damage to the institution of the United States is such a travesty.

HEALTH CARE

I wish to mention the Affordable Care Act and talk for a moment about that.

I am headed home and on Monday I will conduct my 1,000th townhall meeting. From the time I was in the House of Representatives, I held a townhall meeting in every county. In the Senate, I have conducted a townhall meeting in all 105 counties since my election to the Senate. I am beginning again and it happens that Monday will be my 1,000th.

I have no doubt the serious conversations we have will not be about the rules or the institution of the Senate or what happened with something called cloture filibuster, the real problem people face is what ObamaCare is doing to them and their families. I have this sense there is an effort or perhaps belief—at least an effort—to convince people this is only a problem with a Web site. The Web site has certainly received a lot of attention over the past few weeks. Perhaps, unfortunately, the Web site is not the real problem.

The real problems we have with the Affordable Care Act passed by a Congress on a straight party-line vote in the Senate, similar to what we saw today, and the consequences of ObamaCare are real and cannot be fixed by fixing the Web site. I wish those problems were only a simple matter of a technician adjusting the program that has been created for enrollment, but it is not the case.

The mess of ObamaCare runs so much deeper. One of the consequences I know I will hear about on Monday and hitting individuals and families across the country right now is their cancelled insurance companies.

President Obama spoke about this in the description of what the Affordable Care Act would mean to Americans: If you like your policy, you can keep it. If you like your physician, you can retain him or her.

The fact that millions of Americans are now losing their health care coverage is not an unintended consequence. I doubt if it is anything that can be fixed with anything that President Obama said in his press conference a few days ago. The reality is this cannot be described as something we didn't know about.

In fact, on the Senate floor in 2010, again, a straight party-line vote occurred, as we saw today, in which the opportunity to do away with the provisions of the grandfather clause—again, Republicans unanimously supporting an Enzi amendment to change it so this wouldn't occur and a straight party-line vote, with Democrats voting the other way. It wasn't as if this was something that wasn't considered or thought about. It wasn't as if we only woke up 2 weeks ago and we saw policies were being canceled and thought: Oh, my gosh. That is not what the Affordable Care Act is about.

The reality is it was expected, it was built in, and it is a consequence of the Affordable Care Act.

In order for ObamaCare to work and the exchanges to function, the Federal Government has to have the power to describe what policies will be available to the American people. ObamaCare takes the freedom to make health care decisions for an individual and their families and rests that authority with the Federal Government.

Despite the headaches, frustrations, and anger Americans and Kansans are experiencing now, I don't see there is a real opportunity for us to solve that problem, because undoing what is transpiring with the policies would undermine the foundation of ObamaCare. I consider my task as a Senator from Kansas, in part, is to help people. People tell me in person, email, and by phone call about the consequences.

The stories are a wide range of challenges. I talked about this on the Senate floor last week. An example is one conversation with a constituent who said: My wife has breast cancer. Our policy has been canceled. We have nothing to replace it with. Help me.

These are things I can't imagine anyone in the Senate wouldn't want to try to help them. I don't know how we do that with the basis of ObamaCare that designs the policies and removes the individual person from making the decisions about what is in their best interests and for their families.

Calling for repeal and replacement of ObamaCare is not an assertion on my part that everything is fine with our health care system. There are problems with our health care delivery system, and they do need addressing.

Long before President Obama was President of the United States, my service in Congress, much of the effort was trying to find ways to make certain health care was available and affordable to places across my State, whether one lived in a community of 2,000 or 20,000 or 2 million—we don't have many communities with 2 million—200,000; people ought to have access to health care. In my view, it is an important task for all of us.

While some hoped ObamaCare would be the solution, it turns out to be the problem. We can replace ObamaCare with practical reforms that promote the promise that the President made, that empower individuals, and give people the options they want. We need to do that. In order to do that we need to set ObamaCare aside and pursue what I would call commonsense, step-by-step initiatives to improve the quality of health care and slow the increase or reduce the cost of health care.

In my view, we cannot not address preexisting conditions. We need protections for people, individual coverage, without a massive expansion of the Federal Government.

We need to make certain millions of individuals retain their current health insurance policies that they know about and they like. We need to make certain we continue that health care coverage by enabling Americans to shop for coverage from coast-to-coast regardless of what State they live in. Competition will help reduce premiums. Increased competition in the insurance market is something that is of great value.

It will extend tax incentives for people to purchase health care coverage, regardless of where they live. To assist low-income Americans, we can offer tax credits for them to obtain private insurance of their choice and to strengthen access to health care in our community health care centers. We need to make certain our community health care centers are supported so people who have no insurance or no ability to pay have access to the health care delivery system.

Instead of limiting the plans Americans can purchase and carry, we need to give small businesses and other organizations the ability to combine their efforts and get a lower price because of quantity buying. We need to encourage Health Savings Accounts so people are more responsible for their own health.

When it comes time to purchase health care coverage or access to health care, we are focused on what it would cost and we don't overutilize the system. People need to be empowered to have ownership of their health care plans and their health.

We spend billions of dollars on health care entitlements. We need to boost our Nation's support for the National Institutes of Health by investing in medical research. We can reduce the cost of health care for all, save lives, and improve the quality of life.

Our medical workforce needs to be enhanced. We need more doctors, nurses, and other health care providers. They need to be encouraged to serve across the country in urban areas of our country where it is difficult to attract and retain a physician and in rural and small towns where that is a challenge as well.

Finally, we need to reform our medical liability system and reduce frivolous lawsuits that inflate premiums and cause physicians and others to practice defensive medicine.

Those are examples of what we can do and we can do incrementally, and they seem, at least in my view, to be common sense. If we don't get it quite right, we have the ability to take a step back and make an alteration and improve it over time, as compared to the consequences—the massive consequences—of this multithousand-page bill that, as we were told, we had to pass so that we would know what was in it.

The fatal flaw of the Affordable Care Act is not its Web site but, rather, the underlying premise that the government can and should determine what is best for Americans regardless of what they want. We must not accept a health care system built upon such a faulty foundation.

ObamaCare stands in stark contrast to the values of individual liberty and freedom that have guided our country since its inception. Americans should be in control of their own health care, and I will continue to fight policies that violate those values and advocate for policies that guard them, but also work to make sure that all Americans have better access to more affordable health care.

If you like your health care policy, you should be able to keep it, and if you like your physician, you should be able to retain him or her providing health care for you. Our task is difficult, but it is one that is well worth the battle. We can preserve individual liberty and pursue goals in our country that benefit all Americans.

I thank the Presiding Officer for the time on the floor this afternoon. I yield the floor, and 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.

Mr. SESSIONS. 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. SESSIONS. Mr. President, to follow up on some of the comments I made earlier about the DC Circuit, there have been accusations—and I guess everybody has their perspective—that seem to suggest that Republicans, for ideological reasons, won't fill these judgeships slots.

I have voted for probably 90 percent of President Obama's judges—well over 80, I know—and the Senate has had confirmed over 200 of President Obama's nominees. I earlier said 250—I think maybe it is over 200. Only two have been denied confirmation.

So these three judges have been appointed to a circuit where the caseload has been falling, and it already, by far—by far—has the lowest caseload in the country based on the eight judges now active in that circuit. So adding three more judges would bring that caseload down substantially further and create an even more underemployed court, which we don't need to do, especially when we have courts around the country that do need more judges. We need more district judges than circuit judges, but there are some circuit judge slots that need to be filled. So I say that out of respect to my colleagues. But it was a cause for concern that the President and other supporters of his judicial vision have openly stated their goal for filling these slots is to advance their agenda.

President Obama says:

We are remaking the courts.

Senator SCHUMER:

Our strategy will be to nominate four more people for each of those vacancies. We will fill up the DC Circuit one way or the other.

One way or the other. In other words, no limit to what we will do to fill these slots that are not needed.

Senator HARRY REID:

Switch the majority. People don't focus much on the DC Circuit. It is, some say, even more important than the Supreme Court.

I have heard conservatives make somewhat that statement, but that is totally wrong: It is not that important a circuit.

It is an important circuit. Occasionally, key administrative rulings get filed in the DC Circuit, and they never get appealed to the Supreme Court. Their decision may be final on some administrative powers, but it is not equivalent to the Supreme Court—nowhere close. You can see that based on how few cases they actually handle.

Senator REID goes on to say:

There are three vacancies. We need at least one more, and that will switch the majority.

Apparently, he is saying there is a division within the circuit and a one-vote majority for a more restrained view of the administrative rulings the court deals with sometimes and a group that is more activist, and he wants to switch that majority. A bunch of others have said the same thing. They have said it.

Doug Kendall, a liberal activist has said:

With legislative priorities gridlocked in Congress—

Now, get this—

—they want the court to advance their political agenda that cannot be passed in the Congress.

Let me repeat that. The liberal activist goal is to advance an agenda that cannot be passed by the Congress—the duly elected representatives.

I remember Hodding Carter, who served President Jimmy Carter, went on one of the morning Sunday talk shows—Meet the Press or something. He was one of the regular guest hosts, and he said one time: We Democrats and liberals have got to just admit it. We want the courts to do for us that which we cannot win at the ballot box.

Judges shouldn't be doing that. But that is what Mr. Kendall says. He says:

With legislative gridlock in Congress, the President's best hope for advancing his agenda is through executive action.

That runs through the DC Circuit.

Nan Aaron, long active in advocating for activist Federal judges, said this:

This court is critically important. The majority has made decisions that frustrated the President's agenda.

So the President is being pressured by a lot of these special interests, and there are others who are advocating these kind of actions. But the court is a court that is well constituted to do its duty, and it will continue to do so and needs no more judges. We don't have the money to fill them. We don't have the money to spend on it just to allow the President to pack the court with some of his nominees that will more likely advance an agenda. At least the agenda that he and his activist friends seem to favor that.

When I came to the Senate, Senators on both sides of the aisle got to offer amendments. I remember Senator Specter, who was then a Republican—an independent Republican and a great Senator. He loved the Senate. He switched parties and became a Democrat. We were right down there on the floor. He was managing a health bill, and I had something I wanted him to accept as part of the manager's package, and he didn't want to do it. So I asked him again and he didn't want to do it, and I asked him again and he didn't want to do it. I wanted him to agree because I didn't want to offer the amendment and have Senator Specter oppose it because I figured I would lose the vote. So I asked him again, and he finally got irritated with me bugging him and he said: You are a United States Senator. If you want to offer your amendment, offer your amendment.

That is the way it was when I came to the Senate.

If you didn't like something, you could offer your amendment. But the managers of the bill had a lot of respect from the colleagues, and if the managers urged people not to vote for it, you were likely not going to win, but at least you could get a vote.

If you promised your constituents back home that you believed in some-

thing and you were going to fight for it, you could at least get a vote, even if you lost. You could tell people you did that. And then you could hold people accountable for voting against what some might like and others would oppose, and people would know where Senators stand.

We have had a significant, dramatic reduction in the number of votes. I think it started in maybe the late 1990s. I know Senator Frist filled the tree a number of times, but not many, over his time here. But Senator REID has just exploded this process.

A perfect example is this Defense bill. It was on the floor all week. We have normally had at least 25 or 30 votes on the Defense bill. We spend \$500 billion in that authorization. There is a lot of concern and interest about defense money is spent and policies over sexual assault or other issues relative to the military, and those are important issues that people have concerns about and are willing to vote on. Why shouldn't they be able to get a vote? Really, why shouldn't they be able to get a vote?

Some of the new colleagues who got elected in 2012 particularly wanted to change the rules of the Senate and demanded that we do better. I raised the question of what the majority leader had been doing. Let's take this Defense bill I mentioned. What did he do? He gets the right of first recognition in the Senate, and there are only a certain number of amendments that can be put on the amendment tree. He fills all those slots—we call it filling the tree—and then no one else can get an amendment pending that the majority leader doesn't approve. It is really unbelievable. And like frogs in warming water, we don't even realize the pan we are in has about got us cooked. We have Members on our side who have missed what is happening to us. I guess half of our Members even on the Republican side were not here when all this started. All they have known is this process.

So Senator REID fills the tree. He says he approved two sexual assault amendments for the military. That is all we have had all week, and he immediately files cloture. He immediately files to shut off debate. When he does that, he then says we are filibustering. He is saying that is a filibuster and he is going to file cloture, demand that we grant cloture and move the bill without any amendments.

This is unacceptable. So Republicans say: We are not going to end debate on the bill until we have a legitimate opportunity to file amendments to the Defense authorization bill and actually vote on some of the key issues facing America's national security and our men and women in uniform. We want a robust ability.

No.

Well, submit a few amendments. Well, that is too many. We are not going to vote on that one. I don't like that one. I don't like that one. No, you

can't get a vote on that one. Our Members don't want to vote on that. You can only have a constricted number.

So we have this spectacle of Senators from great States all over America, hat in hand, bowing before the majority leader, pleading that he allow them to have their amendment up for a vote. It is not right. It is an alteration of the whole concept of the free and open debate the Senate is all about. I truly believe it is, and we are going to have to stop it.

I blame myself. I have complained about this probably as much or maybe more than anyone on our side, but I haven't taken the action maybe that we need to take to begin to confront this issue.

When my new young colleagues and I were discussing this, one of them said: Why, we even have to ask Senator MCCONNELL and get his permission to offer our amendment.

How could this happen? How could a Senator from one of the great States of America be in a position—a Democratic Senator. He has a majority in the Senate. How could he be in a position to have to seek Senator MCCONNELL's approval to call up an amendment?

Here is the answer. Senator REID tells Senator MCCONNELL: I am not going to have all of these amendments. We are only going to have five amendments, and you can't have this one, this one, and this one.

What are your amendments, Senator MCCONNELL says to Senator REID.

He says: Well, these are the amendments we want to offer.

Senator MCCONNELL says: Well, you have restricted my amendments. I don't want to vote on those two amendments of your five. You are going to have to pull those down.

So, in a sense, that young Senator was telling me the truth. I suspect Senator REID goes back and says: Senator So-and-So, Senator MCCONNELL is objecting to your amendment. We can't call it up.

Well, why can't you call it up? I mean, the very idea that a Senator from New York has to ask a Senator from Kentucky whether he can have an amendment is contrary to the approach of the Senate.

So filling the tree is altering the whole process. Again and again, Senator REID takes the floor, he fills the tree, limits amendments, and files cloture immediately. And those of us who say: No, we are not going to agree to shut off debate through cloture because you haven't allowed us to have a legitimate chance to offer amendments—we vote against cloture, and he says: You are filibustering the bill. And he adds these up, and he says that Republicans to an unprecedented degree are filibustering, when all it is, is a reaction to his railroading tactics that have never been used to this degree in the history of the Senate.

Senator MCCAIN was quite correct in pointing out the switching of positions

that Senator REID now takes. While he was opposing this kind of tactic before and supporting filibusters, he has now taken the exact opposite.

With regard to our judicial issues, the Democrats went to a retreat in 2000 and decided to change the ground rules. I believe Senator REID was involved, and Senator SCHUMER was one of the organizers, according to the New York Times. He said: We are going to change the ground rules. And they started immediately and held the first 10 Federal judge nominees to the courts of appeals of President Bush and filibustered. We had never seen anything like that.

Now, according to this document I have, Senator SCHUMER says: We are going to confirm these judges one way or the other, and if you use the right to filibuster—which I pioneered and Senator REID pioneered—if you use that right, now that we have the majority, we are going to change the rules with a simple majority, and we are not going to allow these judges to be blocked even though we have no need for one of them. We are going to ram it through, and we are going to make the taxpayers pay for it, \$1 million a year, one way or the other.

So that is where we are, and I don't believe it is good.

I am not opposed to modernists. I believe we need to be consistent in our principles. We need to defend the history of the Senate. And I don't believe you can change it one year and change it back the next and act as if nothing significant happened. I believe there is a truth and I believe there are values that need to be consistently upheld—at least at a minimum—so this Senate can function.

Senator REID has to stop this process. He cannot continue to dominate the Senate the likes of which has never happened before. There is no one-man dictator in this Senate. We need to say no. That is just the way it is. There is no way the majority leader of the Senate of the United States should be dominating this body the way it is happening today and going to the ultimate of changing the rules as was done today. I feel strongly about that. We are going to continue to talk about that.

We have an institution to preserve. Senator Byrd would never have allowed this to happen—as Senator MCCAIN said—the historian of the Senate, who explained this great Senate's history. When I first came here, he lectured to both parties and new Members about what it is all about. The love he had for this institution was strong.

I happened to have the honor earlier today to hear Senator LEVIN talk about this issue. He is leaving this body. He is a great Senator. He is smart. I have been so impressed with how he has handled the Armed Services Committee, on which I am a member and he is chairman. He gets virtually unanimous votes on the defense authorization bill. And the only reason we had no votes on the bill on the floor today in com-

mittee was because they marked the spending level above what the Budget Control Act says. They shouldn't have done that. Under that proposal, we would spend more money than we are allowed to spend under law. But it was done. Otherwise, all the differences were freely discussed. We had multiple amendments. Senator LEVIN is very precise. He allows people to make amendments. He suggests compromise. He allows people time to discuss with staff, come back, amend, agree, disagree, and finally have a vote. It creates good spirit, and it creates a committee such that even legislation as important as this can pass unanimously out of committee. I believe last year the bill was unanimous out of the Armed Services Committee, which is hard to achieve in any legislative body.

This is a dark day. I am disappointed at where we are. This is a matter that can't just be forgotten. It won't be forgotten. We don't need to act precipitously, but we need to make clear that for the Senate to work, individual Senators of both parties have to be free to offer amendments—that clearly needs to be so—and certain rights the minority party might have cannot be eroded anytime they become effective to frustrating the majority leader's desire to advance certain pieces of legislation or nominees.

This is not going away. We will keep discussing it. I hope and pray we will be able to reach some sort of solution which puts us back on the right path.

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

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—S. 1774

Mr. SCHUMER. Mr. President, I ask unanimous consent that, as in legislative session, the Senate proceed to the consideration of S. 1774, a bill to reauthorize the Undetectable Firearms Act of 1988 for 1 year, introduced earlier today; that the bill be read three times and passed and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, I say to our colleagues, this is not a good day to move forward with this legislation. We will be glad to give it serious attention. I know it is the kind of thing we probably can clear at some point, but I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, I appreciate the remarks of my friend from Alabama, my gym mate and friend and colleague. I would say this. This is sim-

ply a renewal of a bill that has passed the Senate unanimously several times before. These days, technology has allowed us to make undetectable a firearm—no metal. It can get right through a metal detector.

I would like to improve on this bill but, because it expires by December 9, right before we get back, I was hoping we could simply pass the existing law that is on the books. I am afraid that will not happen.

I understand why my colleague from Alabama objected. I hope as soon as we come back we might get this body to pass it and maybe get the House to pass it.

We are in a dangerous world. To allow terrorists, criminals, those who are mentally infirm, to walk through metal detectors with guns that are made of plastic and then use them at airports, sporting events, and schools is a very bad thing. What makes us need to do this rather quickly is that a few months ago someone in Texas published on a Web site a way to make a plastic gun, buying a 3-D printer for less than \$1,000. There are over 200,000 copies, hits on that Web site. People hit the Web site then, so we have to move quickly here. I hope we can move as soon as we get back.

I do understand the objection of my colleague tonight, given everything that has happened today, but we cannot wait. I hope nobody will object to this bill. I have some worries that some might, but let's hope not. This is serious stuff.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THUNE. Mr. President, I rise today to speak on the National Defense Authorization Act, an amendment I have filed, Amendment No. 2903, which supports the next generation long-range strike bomber. I hope we do get on the Defense bill.

This amendment, like many of the amendments that have been filed to this bill, is both germane and non-controversial. As has been the past practice with the Defense authorization bill, my amendment should be included in a managers' package that could be passed by unanimous consent. In the past, when the Senate has considered the National Defense Authorization Act, we have had an average of around 11 recorded votes. That is the historical average. This year so far we have had two. For amendments included by voice vote or unanimous consent, anywhere from 80 to 100 amendments tend to be the norm. In other words, that is the number of amendments that we process, not have recorded votes on, but amendments that

are offered to the bill and handled one way or another but end up getting added to the legislation. This year we have not even been able to have a managers' package, which would include many of these noncontroversial amendments.

I support Senator INHOFE, who is the ranking Republican on the Armed Services Committee and my Republican colleagues here in the Senate, in the approach they have taken while this bill has been on the floor. Considering this bill, there needs to be an open amendment process. We are not talking, as I said, about the hundreds of amendments that have been filed, but a reasonable number should be considered on the Senate floor.

Everyone here is aware of the time constraints we are under, but that is not an excuse for bypassing an open amendment process on this important piece of legislation.

As the Senate debates the annual Defense authorization bill, our military continues to face increasing budget constraints. These budget constraints have forced our military to prioritize and develop ways to increase efficiency and reduce spending. As we look ahead, the Department of Defense must continue to focus on ways to best prepare for the threats our country will face in the future.

On all fronts, these future threats will require an increasingly mobile force that relies on speed and technology to reach conflict points around the world. With regard to the Air Force, this means a modernization of our current fleet. According to General Welsh, the Chief of Staff for the Air Force, the next generation long-range bomber is one of the top three procurement programs our Air Force must pursue to modernize our fleet and to meet future challenges. The other two, the F-35 joint strike fighter and the KC-46 aerial refueling tanker, are currently underway.

The next generation bomber, which General Welsh has called a must-have capability, will ensure our ability to operate effectively in anti-access and area-denial environments. As potential adversaries continue to modernize their anti-aircraft systems, our ability to penetrate those systems must modernize as well.

The Department of Defense has already begun investing in the research and development phase for the next generation bomber. In the meantime, our current bomber fleets, B-2s, B-1s, and B-52s, continue to provide robust deterrent in long-range strike capabilities. The upgrades which are currently being made to these aircraft allow them to operate in the modern environment. However, as this fleet continues to age into the mid-2020s, the next generation bomber will need to come online.

My home State of South Dakota is home of the 28th Bomb Wing, which commands two of three combat squadrons operating the B-1B strategic

bomber. The men and women of the 28th Bomb Wing have bravely defended our country in Iraq and Afghanistan.

In 2011, the B-1 played a key role in Operation Odyssey Dawn, launching from Ellsworth Air Force Base in South Dakota, dropping munitions in Libya, and returning home in one continuous flying mission. This operation marked the first time the B-1 launched combat sorties from the continental United States to strike targets overseas, and it exemplifies the B-1's crucial flexibility and capability to project conventional airpower on short notice anywhere in the world. Of the three aircraft in our bomber fleet, the B-1B has the highest payload, fastest maximum speed, and operates at the lowest cost per flying hour. As I have said before, the B-1 is the workhorse of our U.S. Air Force.

As the R&D continues for the next generation bomber, the Air Force has already identified many essential capabilities to this aircraft. According to the Air Force, the next generation bomber should be usable across the spectrum of conflict from isolated strikes to prolonged campaigns. It should provide the Commander in Chief the option to strike a target at any point on the globe, and it must be able to penetrate modern air defenses despite an adversary's anti-aircraft systems. In terms of payload, it must be capable of carrying a wide mix of standoff and direct attack munitions and have the option for either nuclear or conventional capability.

As part of the strategy for development, the next generation bomber should allow for the integration of mature technologies and existing systems, taking into account the capabilities of other weapon systems to reduce program complexity.

While developing the next generation bomber will not be easy, the Air Force has learned several important lessons from its most recent procurement efforts. The Department of Defense has already streamlined requirements and oversight to ensure a timely decision-making process for the next generation bomber.

This initiative has included efforts to reduce costs for the overall program with a goal of preventing cost overruns which have plagued previous acquisition programs.

The Department of Defense already knows the importance of this program. As outlined in the 2015 to 2019 Program Objective Memorandum, the Air Force intends to prioritize the development and acquisition of the long-range strike bomber over the next several years. As the Air Force continues to modernize, the long-range strike bomber remains a must-have capability for future combat operations.

This amendment is very straightforward. I hope we get back on the Defense authorization bill. I hope we have an open amendment process. I hope that amendments such as this, which are germane and noncontroversial, can

be included in a managers' package of amendments or at least considered on the floor by my colleagues in the Senate.

It is essential in light of the many challenges we face around the globe today with the potential adversaries out there and the threats that exist as we look out over the horizon that we make every preparation and take every necessary step to ensure our country can defend itself and our allies around the world. American interests and American national security interests are always at stake, and it is important for us to invest wisely in those types of weapon capabilities that can ensure that the United States is prepared for whatever contingency might develop around the world.

I hope we will get back on the Defense authorization bill, allow amendments to be considered, as they have been in the past. Whenever we have processed Defense bills in the past, we have had a process that has allowed for consideration of many amendments. As said before, we had 80 to 100 amendments in most cases and multiple roll-call votes—way more than we had on this bill so far.

This is important to the men and women who wear the uniform of the U.S. military. This should be a priority for us, and it should be a priority for our country. I hope we can get the bill on the floor, process amendments, pass it, and get it on the President's desk where it can be signed into law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

NATIONAL HOMELESSNESS AND HUNGER AWARENESS WEEK

Mr. LEAHY. Mr. President, next week, Americans across the country will gather with family and friends to celebrate a national tradition, Thanksgiving. Some will give thanks for their good fortune or health over the past year, while others will simply be thankful to see their loved ones together in one place. What most of us will take for granted, however, is that we will have a meal to eat and have a home in which to gather. Far too many Americans will not have that luxury. During this time of reflection, and in