clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12]

Ayotte	Franken	Murphy
Baldwin	Gillibrand	Murray
Barrasso	Hagan	Nelson
Baucus	Harkin	Portman
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeven	Rubio
Brown	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson (WI)	Scott
Cardin	Kaine	Sessions
Carper	King	Shaheen
Casey	Klobuchar	Shelby
Chambliss	Landrieu	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Thune
Coons	Manchin	Toomey
Cornyn	Markey	Udall (NM)
Cruz	McCain	Vitter
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Fischer	Moran	Wyden
Flake	Murkowski	

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. REID. Mr. President, I have an announcement. I realize everyone is tired, anxious, and some are a little concerned about everything.

I have had, especially late last night and early this morning, conversations with Republicans and Democrats as to what we should do this weekend.

The next set of votes will come shortly before noon today. Then we will have another set of votes this afternoon. Absent consent, the Senate will vote late Saturday, about 10:30 or thereabouts, on confirmation of Jeh Johnson to be the Secretary of Homeland Security.

The Senate has already received a budget bill from the House. We expect momentarily to receive the Defense bill from the House. I wish to have the Senate process these important bills as quickly possible. I plan to move to proceed on these bills as soon as we can. That would be as soon as we handle the pending nominations that are now before this body.

Thereafter, there are certain things we need to do before Christmas break. We need to do those two important bills, the budget and defense. We have to do the Chair of the Federal Reserve system. There is an Under Secretary of State that is very urgent, according to John Kerry. We have a Deputy Secretary of Homeland Security, Under Secretary of Department of Interior, the head of the Internal Revenue Service, and the remaining judge on the DC Circuit. There have been requests from everybody—I shouldn't say that—lots and lots of people to do other things, but we are limited as to what we can do before next weekend. There are some other nominations that we are happy to discuss with individual Senators.

So it would be my suggestion that we go ahead and do this vote; during this vote, and prior to the next series of votes, I will meet with the Republican leader to see if there is a way we can give some time, especially to the staff, over the weekend. These people have worked extremely hard, and I haven't heard a complaint from a single one of them, quite frankly.

I went up last evening and visited the court reporters. We have 18 court reporters, and up on the 4th floor they have been sharing—for a little respite—two beds and taking naps, or at least trying to lie down and rest for a bit. They are working in 15-minute shifts, and they have been doing that for days now. So if we can work that out, I would be happy to do that.

My goal is we would wind up at the same place on Monday in the evening as we would wind up if we did all this stuff over the weekend. So I am happy to be as cooperative as possible. Christmas is on its way, and there are certain things we need to have done. There are lots of other things we need to do, but we are probably not going to be able to do those.

So I have laid out for everyone a broad scope of the schedule. I will meet with my friend the Republican leader and see if there is some way we can do this; otherwise, we will just proceed on.

The good news is that following the vote this afternoon, we wouldn't have anything until tomorrow night under the schedule as now listed.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close on the nomination of Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. MERKLEY), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Hawaii (Mr. SCHATZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BLUNT), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

The yeas and nays resulted—yeas 51, nays 34, as follows:

[Rollcall Vote No. 271 Ex.]

YEAS—51

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

NAYS—34

Ayotte	Grassley	Risch
Barrasso	Heller	Roberts
Boozman	Hoeven	Rubio
Burr	Isakson	Scott
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Cochran	Lee	Thune
Cornyn	McCain	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker
Fischer	Paul	
Flake	Portman	

NOT VOTING—15

Alexander	Graham	Merkley
Blunt	Hatch	Mikulski
Coburn	Inhofe	Nelson
Corker	Johnson (SD)	Rockefeller
Crapo	Kirk	Schatz

The motion was agreed to.

NOMINATION OF HEATHER ANNE HIGGINBOTTOM TO BE DEPUTY SECRETARY OF STATE FOR MANAGEMENT AND RESOURCES

The PRESIDING OFFICER. The clerk will now report the nomination.

The assistant bill clerk read the nomination of Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

The PRESIDING OFFICER. Under the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination, equally divided in the usual form.

Who yields time?

If neither side wishes to yield time, the time now will be equally divided.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I wish to take a short time here to discuss a situation which I think is gaining some attention in the actual news media on a continuing basis.

But with the Affordable Care Act and what we are doing or not doing here on the floor of the Senate with regards to the 51–50 controversy, perhaps we overlooked the number one obligation we have as Members of this body, and that is our national security, the defense of our individual freedoms, and the part we play in determining the same kind of objectives—liberty and freedom—all throughout the world. I am talking about foreign policy, and I am talking about the very dangerous situation that we face with regard to Iran.

On November 24 the United States, Germany, France, China, Great Britain, and Russia signed an interim

agreement with Iran regarding its nuclear weapons program. The President and Secretary John Kerry, former colleague, have applauded this deal.

The President has claimed: We have opened a new path forward toward a world that is more secure. The Secretary of State, who came before us this week and gave Senators a briefing, argues: This is why we had sanctions in the first place.

With all due respect, I disagree. The world, it seems to me, is not a safer place, and in 6 months I do not believe we will be one step closer to dismantling Iran's ability to produce a nuclear weapon.

This administration is asking us to trust a regime which has been clear on its intentions, quite frankly, to wipe Israel off the face of the planet—their words—and, is the world's largest state-sponsor of terrorism, sponsor of the Assad regime, Hezbollah, and Hamas.

I don't think that represents a step toward security. I think that is misguided at best. This, to me, is not a good plan. I would even reverse that to say it is a bad plan.

At this moment, the administration is asking—rather pressuring—Congress to back down from additional sanctions which many of us have supported and think would certainly a better thing to do at this particular time. At any rate, this is not a request that I can oblige. Sanctions are, indeed, the reason that Iran has decided to come to the table. But coming to the table and honestly negotiating are certainly two different things.

If the reports are true, the administration has been holding secret talks with Iran for months. I do not know what was discussed during those talks. I am not sure that anyone in the Senate really does know. What did the State Department, the Treasury Department, and the President offer to bring Iran to the public stage? It seems to me that should be transparent. So I think the Congress and the American people are left to wonder with regard to transparency what was arranged before this deal or this peace plan?

The bigger problem is that it has taken painstaking effort on the part of those like myself and others in this body who care about our Nation's security and the security of our allies to implement sanctions to the strength that we have today. It has taken a decade. It has taken six actions by the Security Council of the United Nations, 10 years of work, and a tremendous effort to finally get people on board. But now the President is asking us to back off after we have gained the support of the international community and just begun to make inroads.

The administration is offering to cut back now on these sanctions and to allow the Iranian government to continue enriching the uranium. Why? It is widely accepted that the Iranians have no real use for enriched uranium to use for nuclear power because Russia provides fuel supplies for its sole operational nuclear power plant. But they do have use for enriched uranium to contribute to the assembly of a nuclear weapon.

Why should we back off and only get promises? Why should we not keep applying pressure on Iran through sanctions until they give up their entire program? It seems to me that it would be in our best interests that Iran would commit to several things for this deal to be a true step for security. I am just going to mention a few. No. 1, let's just get to the heart of the matter: Public acceptance for the Jewish State of Israel and to allow for the peaceful coexistence of the Israeli people in the Middle East. Nobody in Iran has agreed to that. That is the main issue, the right of Israel to exist. That should be the foundation that we have to start all talks.

Then we should have reporting and inspection access to the Parchin facility, and full details of the undeclared nuclear activities.

Third, dismantling of Iran's plutonium-producing heavy water reactor at Arak. Fourth, the construction of new centrifuges has to stop. Last, an end to all enrichment. Unfortunately this agreement fails to include any of these points.

If the purpose of sanctions was to get Iran to the negotiating table, how did we walk away without getting what we need, a complete end to Iran's nuclear program? Difficult, but certainly the overarching and primary goal. For a decade, Iran has openly disregarded the tenets of the nuclear nonproliferation agreement, legally binding resolutions passed by the United Nations Security Council, and mandatory inspections by the International Atomic Energy Association, the IAEA. All of this, completely disregarded by Iran's regime.

But the President believes we should trust them. Why? Because Hassan Rouhani has been elected President? On the international scene he certainly is a smiling presence. It is well accepted, however, that the Supreme Leader, Ayatollah Khamenei, does actually control everything in Iran, including its nuclear policy, meaning that Mr. Rouhani's election equates with no change in Iran, except in regards to its public face.

It seems to me this is why we cannot back off now. Many of my colleagues, in particular—Senator KIRK and Senator GRAHAM—are working on a new phase of sanctions. They are tough sanctions and I am right there with them.

I do not have any faith with regard to where the Iranians claim they will be in six months. Israel's Prime Minister, Benjamin Netanyahu, has called this a ''dangerous blunder.'' He has warned ''Israel has the right and the obligation to defend itself by itself against any threat.''

It concerns me that the administration has no Phase II plan in place for the end of this 6-month period. If in fact we ease the sanctions, which we are doing, and people take advantage of easing those sanctions and are doing business with Iran, to put those same sanctions back in place, or tougher sanctions back in place, is going to be very difficult. One of my colleagues described this as once the toothpaste is out of the tube you can't put it back. Ten years, six different attempts in the Security Council finally taking a stand—how do you put back the sanctions that we have had in place that brought Iran to the table if in fact at the end of this period no progress is being made? Not to mention the tougher sanctions that we have proposed.

It is a real concern. The administration's hope, of course, is that this leads to a stronger long-term agreement. I hope this works out but I am highly skeptical. When the interim agreement is up, I think Iran will remain capable of producing a nuclear weapon in a mere few weeks because we are not asking more of this regime. At that moment we must have very strong sanctions in place to make sure that Iran does not weaponize with regard to its nuclear capability.

I fully support a new round of sanctions, and I will continue to work with my colleagues to ensure that these are passed before the 6-month period is over. Unfortunately, if we do not take this kind of action, Iran is set to gain everything while the United States loses, not just the United States but Israel and Europe as well. Ending Iran's nuclear weapons program entirely is what I consider a path toward a world that would be more secure.

In today's issue of the Wall Street Journal, there is an editorial called ''Mood-Music Diplomacy On Iran.'' Basically, it simply states more sanctions would strengthen the United States leverage with Tehran. It closes by saying that Secretary Kerry ''now likes to quote Ronald Reagan's 'trust but verify' mantra for dealing with Iran.'' But it goes on to say, ''But the Gipper's real legacy was to show resolve when it counted. The Obama administration and their opposition to new sanctions with a delayed trigger feeds suspicions,'' according to this editorial, ''that it is eager to accept just about any agreement with Iran.'' And it states, ''Members of Congress from both parties who want a good and credible deal can help by passing this sanctions bill.''

I think that is advice well taken.

I yield the floor.

The PRESIDING OFFICER (Mr. KAINE). If there is nobody who seeks recognition, the time will be equally divided.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, I yield back the Democrats' time on this nomination.

The PRESIDING OFFICER. All Democratic time is yielded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

Mr. COATS. Madam President, we are now in about the third day of a somewhat tortured process that was the result of a power grab that has changed the tradition of the Senate, a tradition which held for about 225 years.

Republicans are frustrated with the successful attempt made by the Democratic Party under its leader to change the rules—to break the rules to change the rules. So we end up with no rule, no rule relative to protecting the rights of the minority.

I know it is easy for those who have been elected in recent years and who have never served in the minority because they simply don't have the experience of what it is like to be subject to a leader and a party which basically says: We don't care what you think, we don't care what you say, we don't care what you do, none of it will be allowed unless we give you consent to do it. I know a lot of my friends across the aisle have said: It is your party that is holding things up and you are making the Senate a dysfunctional institution. What they haven't done is ask: Why are you doing this?

First of all, I don't believe we are the ones making it dysfunctional, but even if one thinks that, the question has not been asked: Why are you doing this? We are doing this because we have 3 years, or more, of pent-up frustration under the leadership of this majority leader who has essentially turned the Senate into the House of Representatives.

People say: Well, what is wrong with that? Majority vote rules on just about everything else we do, so why shouldn't majority vote rule here? The Senate was not set up that way. It is famously known that the Senate was set up to be a place where tempers could be cooled, passions could be cooled, something could be debated and worked on. And if major legislation is passed that affects this country significantly, it is passed in a bipartisan fashion, following thorough debate. And we have always had a provision which basically says those in the minority will have their right to participate in the debate and have their right to offer amendments.

We have been shut down from offering amendments, and there has been growing frustration on our side because this is not how the Senate has worked traditionally. This has not how it has worked historically. This is not how it has worked according to the Founding Fathers' determination of protecting the Senate, giving Members an extra long term, giving Members the opportunity to use the agreed-upon rules to allow the right of someone in the minority to speak up.

Democrats are going to rue the day when they made this move, when they jammed this down our throats and said: If you don't like it, tough. Because at some point the pendulum will swing, and I think maybe sooner than a lot of people think; 2014 looks like a turnaround year. If it is, they are suddenly going to find themselves in the minority, and we will see what happens and whether they will learn what it is like to be denied the opportunity to be elected to the Senate and be a Member of this body, to be 1 of 100 people who are chosen to represent their States and represent the United States of America, and yet be shut down from having any opportunity whatsoever to have a voice in what goes forward here, shut down from offering your thoughts, your amendment, and the ability to represent your State, and to be told by the majority leader: I will decide whether you can have an amendment. And, by the way, I will use procedures to make sure you can't have your amendment debated.

I have had the privilege of serving on two different occasions. I came in early 1989 and served 10 years in the Senate. I don't recognize the Senate today. I came back in 2010, 12 years later, and I don't recognize this place. This is not the Senate I joined in 1989. It was under Democratic control, like today, but it is different now. George Mitchell was the majority leader at that time. The Democrats had the majority. They controlled the Senate. I had served 10 years in the House of Representatives, along with my colleague from Kansas, Senator ROBERTS, who is here listening to me speak, and I appreciate that. We have gone through this same experience. But when I served before under Democratic leadership I realized what the difference was between the upper Chamber and the lower Chamber.

Under the genius of our Founding Fathers, the lower Chamber is elected every 2 years to represent the immediate concerns of the people of their State or their districts, and the Senate is given the opportunity to step back and take a broader look and work to fashion bipartisan support so something major that impacted the American people and impacted our constituents was debated and worked out through the process and gave us an opportunity to say: Wait just a minute. Do we want to rush to judgment or do we want to just step back and look at the larger picture?

So as a minority Member of the Republican Party in 1989 and following all the way up to 1995, I enjoyed and relished the opportunities I had to represent Hoosiers. Former Members of the House would ask me: What is the difference between serving in the House and serving in the Senate? And I would say: In the House, the majority party rules and you are lucky if you can get the Rules Committee over there to allow you to have an amendment on a particular bill.

Every once in a while it would happen and you would say: Wow. This is special. But in the Senate, every minority Member can offer any amendment to any bill at any time.

That is a great privilege that had been afforded to us and a necessary privilege. Because without it, you get stuff rammed down your throat that doesn't have bipartisan support, and you are denied the opportunity to participate, to amend, to adjust, to be a part of fashioning something that can be accepted by the American people with support from both sides.

So this boiling-up frustration that has been happening is increasing under the leadership of this majority leader, who simply says: I am going to turn this into the House. I am going to change the 225-year tradition of this institution to something entirely different, and forget it, you guys on the other side, you in the minority. You don't have the rights you once used to have.

I respected majority leader George Mitchell. He was tough. He ran this place like clockwork. We were in late at nights a number of times, but every Member of the minority had the opportunity and the right to offer an amendment, the right to participate, and the right to be heard. George Mitchell, as majority leader, recognized those rights and he would say: Guys, ladies, you can offer any amendment you want. We will take it up. We will have a vote on it. You may win, you may lose, but you have that right.

So the reason we are frustrated, and the reason we are using some procedures now, which are denying all of us a lot of sleep to make plans for the Christmas season with our families is that this frustration with the majority leader has boiled over. The last insult was basically saying: Forget it. Forget the rules, forget the procedures, and forget the courtesy. Forget the privilege. Forget the rights you have enjoyed for all these years in the Senate. We are going to turn this into a different place and you just take it or leave it. So we are kind of left with very few resources in being able to express how we feel.

I think there is an easy solution to our problem, and it starts, No. 1, with an understanding of the frustration each side has, but it has to include the understanding of why they are frustrated. It is not just the Democrats who are frustrated with the Republicans trying to use techniques that will allow us to at least have a say in how things are working here but also frustration among Republicans. We're

frustrated that bill after bill, time after time, we have amendments we would like to offer, amendments that represent the wishes of the people of our States, our constituents and we are being denied that opportunity by the majority leader.

Mr. ROBERTS. Would the distinguished Senator yield?

Mr. COATS. Not everyone calls me distinguished, but I am happy to yield to someone who does but also a good friend.

Mr. ROBERTS. There is a good reason for that. We both came to the House at the same time. We were sorry to lose the Senator to the Senate.

I truly appreciate what the Senator has said. It reflects conversations we both have had to try to educate, to get to know or understand a little better what our colleagues across the aisle are doing and why this is taking place and describe what our frustrations are. But the Senator has summarized them very well.

I urge my colleagues across the aisle to take the Senator's suggestions—and plea on behalf of us all—to heart and would encourage everybody who has nothing else to do around here to read the CONGRESSIONAL RECORD and the Senator's remarks and take them to heart.

I remember so well, when I came to the Senate in 1996—and the Senator was here—I had an amendment I wanted to offer. Being a Member of the House for 16 years, what we had to do in the House was to check with the chairman. We served in the minority and then the revolution came in 1994 and things changed. But then, we had to go to the Rules Committee, which the Senator has pointed out was a very unique experience. I remember then what I had to do to get anything done in the House is I basically had to find a Democratic colleague—a friend who was serving in the majority—to cosponsor the bill which I had, put his name first, and then go to the Rules Committee to make it in order so that my bill and his bill could work. My partner in this effort was Congressman Charlie Stenholm.

When I first went to the Rules Committee in the House, I had not been to the Rules Committee and I thought the debate would be about germaneness or whether this bill should be considered or was it timely, et cetera. I find out it was just a debate all over again on the merits of the bill. On a partisan, partyline vote, they would deny any Republican amendments.

So Stenholm was a partner in that effort with that bill. I can't even remember which one it was at this particular time, but it was my first big attempt and it was on the farm bill. We had mutual concerns and we thought it was a good amendment. It was the Roberts-Stenholm bill. It didn't take me very long to figure out that the Roberts-Stenholm bill was going nowhere. So Charlie leaned over and said: It might be a good idea if this was the Stenholm-Roberts bill or maybe just the Stenholm bill, and I said: I think you have got a pretty good idea.

So for a while it became the Stenholm bill, and it was made in order. Then, on the floor, Charlie Stenholm, being the kind Member he was, all of a sudden it became the Roberts-Stenholm bill again and it passed and, voila, my first amendment on the floor of the House.

So I had another amendment, this time in the Senate—and I know the Senator remembers well, because we were standing right about down here and I was asking him—I had checked with the ranking member and the chairman. At that time we were in control and we had the majority. I had a very simple amendment. I will not go into it, but it was referred to the Health, Education, Labor and Pensions Committee. I was checking around with the ranking member and whomever, and they looked a little surprised that I was even checking with them.

The chairman of the committee, a Republican chairman, indicated: I would just as soon you wouldn't do that because we have a completed bill. We'll put it through the committee. I think your amendment has merit.

I knew I had bipartisan support for it and I knew it was a very easy amendment that would pass. But he told me: Just wait. We will take that up sometime down the road.

''Down the road'' in the Senate means way down the road. So I was sort of grumpy, and you asked me what was wrong. I said: The chairman doesn't like it. You said: Listen. This is the Senate. You can offer any amendment at any time whether it is germane or not. This is the Senate. You have rights.

I knew that. I had gone to the Robert C. Byrd lecture as a new Member. He lectured me on minority rights and how we should conduct ourselves. He was the institutional flame of the Senate.

Then Senator COATS urged me to offer the amendment. I should have done it, but I thought: All right. I will wait. I will defer to the chairman's advice. I have often regretted that. Later—I am talking about 2 or 3 years later—the same subject came up. I happened to be on the floor, and Senator Ted Kennedy was in charge. They had taken back control. He knew about the amendment. He said: Would you like to get your amendment passed? He was standing on the floor and there was hardly anybody else here and, bingo, using the parliamentary procedure that you could do in the majority, my amendment was passed. It was not the Kennedy-Roberts bill, by the way. It was still the Roberts bill that was authorized. We didn't get too much money for it, but at least we made the effort.

I have gone into a long personal history just to demonstrate exactly how this works.

Now we have a farm bill that has been hung up for over 2 years. We have a farm bill that the principals are meeting on in secret. There are 37 of us who are also on the conference wondering where on Earth is the farm bill. The House has just passed by unanimous consent an extension of the current farm bill as we did last year.

Last year, we passed a farm bill. Last year, the majority leader in a discussion with me said: If you can get it done in 3 days, I will let it happen. Note, ''I will let it happen.'' Chairperson STABENOW certainly was working extremely hard on her side, I was working on my side, we were going to the steering committee and said: I think we can get regular order. I think you can get your amendments up. Nobody believed me.

We had 73 amendments. We did it in 2½ days. Once that tipping point hits and people start withdrawing amendments, you get your work done. But the minority had every opportunity to offer amendments.

So one year ago, considering the farm bill, the first amendment was by Senator RAND PAUL considering the Pakistani who helped us with regard to the Osama bin Laden raid. He was in prison, and so Senator PAUL thought it would be a good idea to hold the aid to Pakistan until they released the prisoner.

What did that have to do with the farm bill? Nothing. It was the first amendment considered. It didn't pass, by the way. But many other amendments that came from folks who had never had the opportunity for an amendment to be brought up and discussed, well, those amendments were discussed in the farm bill. I would say that probably, of the 73 amendments that were considered, there were 300 offered. People would get up and they would have their say. They discussed the amendment. They knew probably it would not pass, and they would withdraw it. But they at least had an opportunity to present their opinion and represent their States and their constituents and we made sure they had that opportunity.

This year's farm bill wasn't 73 amendments. We only voted about 10 times. Senator THUNE, a respected Member of the Agriculture Committee; Senator JOHANNS, former Secretary of Agriculture, Senator GRASSLEY, and myself, we all together had a total of about 12 amendments. We withdrew those from consideration during the committee markup and said we will take them up on the floor—except, on the floor, the majority leader cut debate off, saying: Time out. No more. So none of us got those amendments.

As the former chairman of the Agriculture Committee in the House and the ranking member last year, I have to wonder, what is that all about? You have a farm bill, you have people on the Agriculture Committee, they have pertinent amendments with regard to the direction of the bill—and, bingo, you are cut short. That causes a lot of frustration, to say the least.

I have gotten into the weeds on this simply because of our friendship and the Senator's advice to me, which I treasure. But the Senator's willingness to come and speak from the heart to demonstrate to our colleagues on the other side of the aisle: Think about this. Think about why we are doing this. Why we are doing this is because if you break the rules—which they have—to change the rules, it can't be upheld. More especially on nominations, what is happening is we are packing the District Court in Washington, which is the appeals court—probably more important than the Supreme Court in deciding on all the regulatory matters that come up; i.e., the President's Executive orders, the President's waivers, the President's interim final rules or any agencies interim final rules—we have government by regulation today. We do not have government by legislation today. We have government by regulation and this court becomes the Senate.

We had an even number of judges, and now we are going to have three more. Consequently, the President—who says he can't work with the Republicans but in fact it is he who will not work with Republicans—is going to have his way because this is going to be jammed down our throats.

When the Senator goes back to Indiana and when I go back to Kansas, one of the top issues we hear about from any economic sector of our economy is: What on Earth is going on with all these regulations? Somebody holds up a piece of paper and says: PAT, are you aware of this regulation? No, I am not, but I will check on it. What is our ability to deal with that? Almost nothing.

So we have government by overregulation.

That is what this is about. The agenda by the President to add more regulation to get his agenda done is being challenged and going through the courts as opposed to the Senate of the United States. That is why we are faced here with this situation. That is why I was here from 8 to 9 talking about Iran. The Senator is talking about the issue at hand, and I truly appreciate it.

I thank the Senator for coming to the floor. I thank the Senator for making these comments. I just wish people would understand why we are feeling this frustration and have a more accurate reflection of what is going on here. I know that is not reflected much in the media. I understand that, but that is simply the case.

Mr. COATS. I thank my colleague from Kansas. I am glad he mentioned his own personal experience and our experiences together.

It is more than about the Senator from Indiana or the Senator from Kansas. It is about this institution. It is about the future of the Senate. What kind of a body are we going to be? Are we going to be the Senate which has been the Senate for 225 years, with the rights of the minority being able to be expressed?

How the majority leader can look across the aisle and say: The former chairman of the Agriculture Committee, the former Secretary of Agriculture can't have a say in the farm bill. It is a treasure trove of experience, it is a treasure trove of knowledge of the whole agricultural sector, and the majority leader whimsically just simply says: Because I am in power and I can tell you what you can do and what you can't do, forget it. Forget your adjustments to this.

But that leads us right into the most egregious power grab of all, and that was when, under total Democratic control both in the House and the Senate and at the Presidency in White House, Democrats decided they were going to tell us how we should reshape our health care system and readjust one-sixth of the entire U.S. economy and, by the way, we have all this expertise—or we think we have this expertise—and we will wrap all this up in one 2,000-plus page bill and we will run it down your throats without any input from the other side.

Oh, we had input. But the rules were adjusted, the vote was changed, and it was passed by a simple majority and, therefore, had no constructive impact from those who did not think this was the right way to address our health care system. Now look at the mess we are in.

We have been talking for days about calls—not reflecting just our views but calls from constituents saying: What in the world have you done?

The reason I ran in 2010 is I was so upset about two major things: One, the way the Democrats have essentially taken this health care bill: Don't worry about reading it, as NANCY PELOSI said; we will find out later. Boy, are we finding out about it later. Frankly, those who wrote it are finding out about it later. The people it has been imposed upon, the people we represent are now finding out about it later.

I have a whole packetful of responses. I don't know if they are Republicans, Democrats, liberals or Conservatives. All I know is they are my constituents—I represent all of them and am trying my best to represent them—and they have flooded my office with tweets and Facebook and all this social stuff that I have a little trouble grasping right now—but emails and letters pouring in, phone calls jammed, people saying: What have you done to us? What are you imposing on us?

I can go through and read horror stories about people and the broken promises. I think as the Senator from Kansas knows—we have both been in this business here for a while—you better be careful if you fall into the trap of going home and promising what you can't deliver.

It is so easy to walk in front of groups and say what they really want to hear so they will like you and vote for you in the next election. It is so easy to go home and promise something that makes people feel good so they will feel good about you, but you better be careful because if you overpromise and underperform, they are going to say: Wait a minute.

No one has overpromised and underperformed more than this President of the United States regarding health care. He said, ''If you like your doctor, you can keep your doctor, period.'' I bet the President wishes he had not said ''period.''

I am sure he wishes he had not said, ''If you like your doctor, you can keep your doctor.'' Thousands of people in Indiana are saying: I can't keep my doctor. Mr. President, you promised, and you said ''period.'' What does ''period'' mean? Hey, take it to the bank. Count on it. Finally, finito, no more questions need to be asked. I am telling you: If you like your doctor, you can keep your doctor, period. Nothing more needs to be said.

The same was said about: Don't worry, your premiums won't go up. Don't worry, you can keep your plan. If you like your plan, you can keep your plan.

I don't know how many hundreds of letters I have received from people who say: I love my plan. Why do you think I chose it? If I didn't like my plan, I wouldn't have selected my plan. Now those people are getting letters saying: Your plan is no good. You have to go into the government's plan. You have to go into the ObamaCare plan, and this is going to be affordable. Don't worry, folks, no money will be spent.

Were we told about the $400 million that was spent just to fashion the Web site? Can you imagine how they screwed up the Web site. After 3½ years they cannot even put out a Web site. I am getting horror stories about the Web site, which are continuing, by the way.

If you can't do that, how are you going to manage the program if you do get people signed up? On and on it goes. But this idea of promising, and now having these promises broken, just feeds into the cynicism and the lack of trust among the American people and in the institutions of government, their elected representatives, and in their President. That is just a cancer in this country. If you can't put your faith and trust in the promises of what is said by the people who represent you and who are making the laws you have to comply with, that is a sad day.

I yield to the Senator from Kansas.

Mr. ROBERTS. When the President said if you like your doctor, you can keep him, period, that isn't really what he meant. Really he meant, if you like your plan, you can keep it—semicolon—if I like it. He really meant: If you like your doctor, you can keep your doctor if it is possible and we think it is all right.

Mr. COATS. If I could add to what the Senator said, if you don't like your plan and if you want something different, we will tell you what you have to like and what you don't have to like. It is no longer your choice. We

will tell you what we think you need, but you can't make that decision for yourself.

So here is our plan: If you look at our plans, you can pick one of those, but if you want something different and if you want to go to the insurance company for you or your employees or employee-sponsored plan, forget it because we know more than you do. We wrote the law, and we wrote the law because we don't think you have the intelligence or ability to figure out what is best for yourself.

Mr. ROBERTS. These were called lemon plans, shoddy plans, substandard plans, plans that were denigrated even though the families involved had a plan they liked. I am sure the same is true in Indiana as it is in Kansas. More people have lost their insurance after they have signed up.

We understand that we have a lot left to do with health care reform, and I would say that almost every Senator has a 5-point plan on what they would like to do, and it is certainly more market oriented.

I will tell you what also isn't working, as opposed to the rollout, is the advertising for this. Some of it is unbelievable. Thank goodness the media is now watching and paying attention to this issue. There is a rap group that is on television that said it is cool to sign up for ObamaCare. Why on Earth are the taxpayers paying for that when every day Secretary Sebelius is changing the game, along with the President?

The President changed this plan about 17 times. Maybe that is a low number now, but if that's what he wants he should come back to the Congress for that. I think a lot of these changes are unconstitutional. At least he should come back to the Congress, which gets me back to my friend's basic point.

What would have happened if we had gone ahead with regular order and sworn in Scott Brown as the new Senator from Massachusetts and then it would not have been on a one-vote margin with regard to ObamaCare, or the Affordable Care Act, or whatever it was called back then, the Patient Protection and Affordable Care Act. The acronym for that, by the way, is PPACA, which I think pretty well sums it up.

At any rate, had that happened, they would have had to have some kind of bipartisan agreement, which is really what we are talking about when we talk about breaking the rules now. They didn't have to do that because they would not swear in Scott, and so there we were on Christmas Eve.

None of us knew what was in the bill because it was in HARRY REID's office. As a member of the HELP Committee, I was privileged to consider this bill. We worked hard. I had three amendments on rationing—I am still worried about rationing. There are four rationers that I will not get into now.

IPAB is the No. 1 issue I am worried about. They decide the reimbursements that your hospitals in Indiana will get, and that my hospitals will get, and that is why we are trying to do the SGR reform and the Doc Fix.

We were in the HELP Committee, and we had three amendments, and all three were defeated by a party-line vote. That mark—I don't know where that bill is now—I think it is collecting dust. Then my amendments were considered by the Finance Committee. Then I wanted to offer the amendments on the floor.

I did this because we are going to have a lot of problems with the rationing boards making decisions as opposed to individual patients and their doctors—if they can even have their doctor, period.

So we get back, again, to regular order. We get back to respecting the minority's rights. We get back to protecting minority rights. Had we had those amendments, I think this bill possibly could have been worked out. I now believe that this bill was proposed by those who really prefer national health insurance, and this was a stalking horse for national health insurance. I don't think anybody on that side of the aisle realized that this bill would be like Thelma and Louise going off into the canyon, but that is what happened. So now we have this mess on our hands and every day we learn about something new.

The Secretary came out with something yesterday with additional changes. It doesn't really mean anything because she is just simply urging the insurance companies to go back and talk to those folks the Senator from Indiana was talking about—about the plan they would like to have or the plan they would like to keep. She is just saying to the insurance companies: We urge you to do that.

What is that all about? The toothpaste is out of the tube. I don't know how on Earth you can get that done. There were other suggestions. I am getting off subject here because my friend started out talking about the rights of the minority, and the health reform bill didn't pass with any Republican votes and very little Republican input. I think, in part, that is why it has crashed and is burning right now.

If we had just had regular order input during that particular time, I think there would have been a better product. I probably still would have voted no because I don't want national health insurance. I feel a lot better that I expressed my rant to my friend from Indiana, and it has been a better morning as a result.

I think anybody listening to us could finally understand the depth of our frustration. We want to be a part of this Senate and we have a right to be a part of this Senate, but that right and privilege everybody had for 225 years has now been taken away.

It will be interesting when, in fact, the pendulum does swing back and Republicans are in control. What will we do? Will we go back to the 225-year precedent or will we say: Well, what is good for the goose is good for the gander? Will we seek a pound of flesh or two? I don't know what we will do. I hope that we will go back to the 225-year precedent. It would be the right thing to do, but it will be interesting to see.

I thank the Senator from Indiana for allowing me to share his time.

Mr. COATS. The Senator from Kansas is a long-time friend and someone I have had the privilege of serving with and getting to know on a personal basis—he and his wife and family. We are both here with some experience under our belts, and unlike many of our colleagues who may see only one side of the story, we have been on both sides.

I had my differences with Senator Robert Byrd of West Virginia. There was no greater defender of the rights for the minority than Senator Robert Byrd, a Democrat who served his lifetime in the U.S. Senate.

I wish there had been some respect for what Senator Byrd said. I can see him standing on the floor saying: It doesn't matter how partisan this is, these privileges are engraved in stone. We have learned from our Founding Fathers, and they learned through their adverse experiences throughout history about denying the minority a voice, a right to participate. This never would have happened if Robert Byrd were here.

I know there are new Members who have just not experienced what it is like to be told to sit down and shut up. We will tell you what you can say and what amendment you can offer, if any. To be told time after time after time—and you know it builds. As all the bills come up and you have five things you would like to get done this year on behalf of your constituents, and you wait for the next bill to be brought up and you say: Mr. Leader, can I have an amendment on this bill?

Sorry, no more amendments. I filled the tree. It is done. We are going to move forward.

OK. I will go to the next one. Can I have it on the next one?

Here we are at the end of the year and the cycle is over—done. Sorry. You can't represent your constituents with what you think they want to do.

Maybe my amendments wouldn't have prevailed, but at least I would have been in the fight and people would have had the opportunity to put their yes or no vote on it. That way I could go home and say: I gave it everything I had. I didn't win, but I was fighting for you, and I was allowed the opportunity to do it.

As it is now, we go home and say: I wasn't even allowed to express your interest—you, my constituents' interests—through offering an amendment to the bill as a Member of the minority. I mean, the history of this place, the history of Democratic leaders when they had power, is a respect for that right, for the right of the institution.

It is not about Senator COATS or Senator ROBERTS. It is not about the current state of the Republican Party in the Senate. It is about this institution. It is about what goes forward. Do we want to turn this thing into a ''we got the power and you might as well just go home.'' That is what the frustration is. I hope the new Members who look at this and say this should be a more efficient place and we shouldn't have to go through all of this—we wouldn't have to go through all of this if they would just give us a chance to participate. But how else can we express our frustration other than at least having the opportunity to slow things down here so maybe we will be listened to?

Maybe they will go to some of—I wish they had listened to Senator LEVIN, who has been here a long time and who is a respected Democrat and chairman of the Armed Services Committee. Senator LEVIN came to the floor and said ''we should not be doing this'' to his own colleagues. He made a compassionate plea, a compelling argument that we shouldn't do this.

I think back to the Republican leaders and the Democratic leaders, whether they were majority leader or minority leader, and both came to the agreement that these rights need to be protected, whether it was Bob Dole, George Mitchell, Trent Lott, or Tom Daschle. I mean, all of a sudden we are cast into a situation here, which is, sit down and shut up. We have the votes. Tough.

That is our frustration. And I would tell my colleagues, think about this. Think about how we can get back to what the Senate has been for 225 years, and think about what it might be like for them when they are in the minority. They are going to want to go home and tell their constituents: I am sorry, the other party rules and I don't have any power at all. I don't have any ability to represent you at all. I can't offer any amendment expressing your wishes, and we won't have a chance to get it to a vote.

Senators will have to go home and say: I was denied the opportunity to even put it up for a vote.

I remember—of course, Senator ROBERTS knows this well—how Bob Dole would say: Look, this is the U.S. Senate. We have to take tough votes. We are not going to win every one. Members are going to have to go home and explain those votes. But this isn't just a deny, don't take tough votes because we don't want to explain them back home. Step up, debate it, and vote. We might win, we might lose, but we are here to vote. We are here to give everyone a right to have a vote on how to best represent their constituents. We didn't come here to avoid votes, to hide behind a desk and say: Oh, this might affect the next election.

I really came down here to talk about the debacle of ObamaCare. I have all of these letters. All one has to do is turn on the television or the radio or read the newspaper or talk to a neighbor. Unfortunately, the word is not spreading about this situation through the media, but I think even the media is realizing what a debacle this whole thing is. But all one has to do is talk to a neighbor at the bowling league or church.

I got my termination letter, and I don't know what I am going to do.

I have tried 21 times to get in the Web site. I can't get in.

No one is talking about the fact that, ironically, those who wrote the bill—the President of the United States and his executives—are fortunate that they don't have to go into ObamaCare. I don't know why this hasn't been more publicized. Is this the ultimate in hypocrisy? To the American people: We have decided this is good for everybody except us, by the way, so we are exempting ourselves. The President of the United States, all his Cabinet Secretaries, his political appointees, his major staff, and even some of the staff who wrote the bill exempted themselves. How can they write reasonable legislation, impose it on 300-and-some million Americans and say: Well, that is not for me. It is for you, but since I am writing the bill, I can write an exemption for myself.

I don't know why the media is not all over this. I don't know why we haven't had an amendment from the Democratic side saying: This is wrong. How do we go home and tell people that my President and my majority leader's staff is exempt and it will not be imposed on all of us?

Mr. ROBERTS. Madam President, if the Senator will yield, it isn't as if we haven't tried.

Mr. COATS. No, it is not as if we haven't tried.

Mr. ROBERTS. As the Senator knows, Senators are under that obligation—and their staffs. The committee staff is different, the leadership staff is different, and as the Senator pointed out, the executive is different. What is that all about? It should be uniform or not all, and it should be uniform for everybody who had a hand in this debacle.

I even thought about an amendment saying that those who didn't vote for it—I voted against ObamaCare three times: Once in the HELP Committee, once in the Finance Committee, and once it came out of HARRY REID's office. My colleagues said: Did you read the bill? Nobody read the bill because it had been changed, so then we had to wade through it, and then, as different events came about, one problem led to another problem, that problem led to two problems, and those problems led to other problems, so we are still finding out about that.

But back to the point of the Senator from Indiana, we can name Senators who said: Look, let's make this uniform. If it is good enough for Americans, it ought to be good enough for us. And that just has not happened.

Mr. COATS. Well, it has happened to us, and I spent tortuous hours trying to sign up on the DC exchange.

We all have to go through this as Members. People don't understand this back home. They think we are exempt. We are not. I went through this tortuous process for two hours because of all kinds of technical problems. I hit the confirm button. Error—not enrolled. I had to do it all over again. The second time I got a confirmation. I told my staff to print it—you are enrolled in the DC exchange; you are part of ObamaCare now.

I got the piece of paper, my secretary goes down to the disbursing office to confirm it, and they say: Senator COATS is not enrolled.

How about this piece of paper?

They say: Well, I know it says you are, but maybe there is a technical difficulty.

Does that ring a bell for anybody? And there are horror stories I have heard from people who have tried not just 2 times or 10 times but 21 times.

Mr. ROBERTS. Madam President, if the Senator will yield.

Mr. COATS. I yield to the Senator from Kansas.

Mr. ROBERTS. My wife is much more adept at the social media capability, and so it was up to her. I thought we were confirmed, only to find out almost before the deadline—it was midnight, and there was a desperate attempt on the part of my staff and myself. I needed help to get this done, so I had to redo it. Then the thought occurred to me, we are going to have two PAT ROBERTS in there: one that my wife did and then the new attempt. I hope that is not the case. I think maybe we have it cleared up, but I am not sure, so we will find out. I hope we don't have to work to find out, but we will find out.

I think that is just a duplication of what everybody in the country is going through. And then what do you do if, in fact, you can't have insurance and you find out about copays and deductibles and all of this. I am repeating a sad story that I think everybody knows.

I thank the Senator from Indiana once again for his heartfelt plea to make the other side understand the error of their ways. I hope we can fix this. I hope they can see fit to fix this down the road. I doubt that will be the case, and I don't think the country will be better off as a result.

I thank the Senator.

Mr. COATS. I thank the Senator from Kansas. He mentioned signing up here and the frustrations so many people had.

Kathleen from Mooresville, IN, called my office in Indianapolis and said: Help. She said this: I have spoken to someone at the 1–800 number helpline for the Federal exchange 21 times since October 21—when she first began to try to enroll on the healthcare.gov Web site.

Twenty-one times she had tried this, so she called our office in desperation and told us: Well, at one point I asked if I could be transferred to this advanced resolution group—which was

some other group set up to help people who couldn't get into the Web site, I guess—and the customer service representative said that he did not know how to transfer her to that site.

She said: Well, I need help. How can I get it?

So she finally then called the insurer directly to try to enroll, and they said: Well, the only way you are going to get this done is if you bypass the whole ObamaCare Web site because we can't do it either. So they finally figured out that she had enrolled through the insurance company, but she felt she needed to let the government site people know so they would not put her on the list that she hadn't enrolled.

Mr. ROBERTS. Right.

Mr. COATS. So she called up there and finally got through to somebody, and he said one word—''fine''—and hung up. Well, he probably was so frustrated.

Mr. ROBERTS. Will the Senator yield for one more observation.

Mr. COATS. Yes.

Mr. ROBERTS. I was watching the news last night, and many more millions of dollars are now being spent to hire more navigators, so the Senator's constituent should have had a navigator. In many cases they want navigators, and now they are being hired from various community organizations, some of which I really wonder about. But in some States where only hundreds have signed up, there will be more navigators than people who have signed up. So obviously it has gotten to the point where everybody has a problem, where insurance ought to have a navigator. This is at considerable expense—I don't remember now how many millions it totals—and a brand new group of navigators is being hired at considerable expense to make this work. And the advertising rolls on, and then the news media discovers more and more about all the problems.

I appreciate the Senator bringing this to the attention of the American people.

I note the distinguished Senator from Nebraska is here, and he even has a chart that will educate the American people.

Mr. COATS. He is. I am happy to yield to him, but I have about 5 more minutes left, I want to wrap up with one more story from Doug from Indiana.

After 2 weeks of trying to get on the Web site, he finally was able to at least create a log-in name and password. Then he had to try for another week to secure coverage, never successfully getting through, but he finally completed the form, submitted it, and then had the security questions sent back to him so they could verify that he is who he said he is.

He received four questions.

Question No. 1: Our records indicate you lived on the following street in the last 2 years. What city is this in?

Well, the street they listed is where his sister lives, and she doesn't even use the same last name, so I am not sure how they came up with that. Doug had never lived there or had any financial dealings with that property. So how do you answer—I am quoting him—how do you answer a question as stupid as that?

They said: Well, we can't verify you because you didn't give us the answer.

He said: I have never lived there. That is my sister.

Question No. 2 was about which county he lived in, and I think they got that right.

Question No. 3 was to include his previous employers. Well, the only previous employer listed that was accurate was misspelled, so Doug said: Well, how do I answer that?

Question No. 4: Our records indicate that you purchased pet insurance in the last 2 years. What is the name of your pet?

I mean, you can't make this up. If ''Seinfeld'' were still going, this would be a great episode. This would be one of the greatest episodes ever.

Doug had not had a pet for over 10 years, and he has never purchased pet insurance, but they said: What pet insurance do you have?

I have a dog, but I don't have insurance for it. Maybe I should. But they didn't ask me that question, so maybe I am OK.

So he put down ''none of the above,'' and since he did that, they said: Sorry, since you didn't answer the security questions, we can't enroll you in ObamaCare.

I mean, you can't make this up. It is a Hollywood scriptwriter's dream for a soap opera or for a comedy such as ''Seinfeld.'' If ''Seinfeld'' were still on, this would be unbelievable.

Of course, every night on the late night talk shows we here about all of these horror stories and so forth and so on. It is comical, but it is sad. It is sad. It is an overreach by government. There are limits to what it can do and what it can't do, and we clearly have reached the limit on this one. I think an apology is due to the American people. I think we ought to step back and say: Let's do this over and do it right. Let's do it with bipartisan support. Let's do the sensible things that are affordable and will allow people to keep their doctor, that will allow people to keep their health care plan if they like it, and will provide means by which we can address the uninsured, the preconditions, and those who need insurance but do it in a way that is based on tested free market principles, not on a nanny government that says: We know better than you. Boy, have we proved that is not true.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Madam President, I will start by thanking my colleagues from Indiana and Kansas for their discussion on this very important issue. I say this somewhat facetiously, but I have been reading the stories about the rollout of ObamaCare just like the rest of us have. What an incredible embarrassment. If there is a State out there that epitomizes the embarrassment of all embarrassments, it is the State of Oregon. Recently, they had not signed up a single person through their exchange—not one. Not a single person in Oregon could get through that. That is notwithstanding that the Democratic Governor supported it, embraced it, notwithstanding that the U.S. Senators in this body supported it, embraced it. They could not find a single person.

Well, I just read an article; I think it was this morning. I was catching up on some reading. Somehow, some way, they went out there and they found 44 people in Oregon who have signed up successfully. After all of these weeks since this rollout occurred, they probably went door-to-door in Oregon and found 44 people who they believe have signed up successfully. We will see whether they actually have insurance.

Well, maybe we could offer this for that poor State: Maybe we could offer that if they signed up successfully, they get a picture with their Governor and their U.S. Senators—their own individual picture. Madam President, 44 people would not be too many to get through in a picture line. They probably have fundraisers that are twice that big or three times that big, where they do pictures with everybody. I think those persistent citizens of the great State of Oregon deserve something more than just a mention that they are 1 of 44 in some newspaper somewhere, that they successfully navigated the site. I would offer that I think they need a picture.

Mr. COATS. Autographed.

Mr. JOHANNS. An autographed picture with their U.S. Senators and their Governor.

Let me move on to something far more serious, and I am going to talk about ObamaCare too. I am going to tie that into why I believe this process we are going through relating to our constitutional right to advise and consent the President of the United States when it comes to his appointments—I am going to tie that into why I believe that has all happened and why we find ourselves here today because of this failed ObamaCare system.

Yesterday when I was on the floor, I talked at some length about the history of filibuster changes. I mentioned that I have a tremendous amount of respect for a Senator who passed not all that long ago, who served in this body for a long time and probably knew the body better than anybody who ever served in the history of the Senate. That would be Senator Bob Byrd.

I came here, and he was in failing health by the time I arrived in the Senate about 5 years ago, but what a wonderful man. I got to know him a little bit. We actually participated, worked together on a climate change amendment. The knowledge this gentleman had of the Senate was always amazing to me.

On the 200th anniversary of what is called the Great Compromise, when the whole concept of the U.S. Senate was created, some people went to Senator Byrd and convinced him that speeches he had given on the floor of the Senate and historical writings he had done should be put together in a book. It would be commemorative of the 200th anniversary of the U.S. Senate—the Great Compromise. So that was done.

When I first got to know Senator Byrd, I became so impressed with the man that I decided that my Senate office needed that historical record from him. Well, I thought I was buying a book. I was not buying a book at all. I was buying four books—four books filled with beautiful information about the Senate, its history, people who had served here, people who stood up for the U.S. Senate and therefore stood up for the people they represented in the United States of America.

I talked a little bit yesterday about that history leading up to filibuster changes. It was the system here originally in the early part of our country—in fact, until the early 1900s—where basically there was not a way to end debate. So if a debate was going on, an individual Senator could come to the floor and literally take a bill down a path where it may never become law. Somehow, some way, through the years the Senate figured out a way to operate with that kind of unusual situation where a single Senator could take a bill down that road.

Along came World War I. If you think about World War I, there were many Members in the body who had pretty close relatives in Germany, and this was a challenge because they had to debate and decide issues relating to that war and that country. As we might expect, it became very difficult to get things passed.

A piece of legislation came forward, and you can imagine what happened. It got carried down this road of never seeing the light of day, and they could not get that legislation passed although that legislation was considered very important by many in our country, maybe the vast majority of the people in our country.

The country reacted to that, and there was a big debate. I think people in this body and people in the country came to the conclusion that kind of this open-ended process where debate may never end—and there was no vehicle or mechanism to end that debate—well, that had to end; that somehow, some way, the wisdom of the individual Members in this body had to be brought to bear on how to allow Senators to have their day, have their say, be able to come here and debate the great issues and offer amendments. How could we allow that to happen and give them their rights as Senators while still having an ability at some point to stop the debate and cast a vote? The Senators, in their wisdom, decided they had to find that way, and they did.

Originally, if I remember the history correctly, and I may have this piece not quite accurate, but I think they agreed that two-thirds of the Senators could vote at some point to end debate and then vote on the legislation. But Senators still had the right to offer amendments. They still had the right to come to the floor and debate. They still had the right to work through the day and the night and build coalitions to get their amendments passed, to shape a piece of legislation, to make that legislation maybe better for the country or for their individual State. All of those rights continued to exist because, after all, everybody recognized that the power of an individual Senator to do that was significant to our country. It was important to our Nation, not only then but in the future.

That process went on for a number of decades following that decision. Then in the 1970s a decision was made again by this body under its rules, and that decision basically said: When 60 Senators come to the floor and they agree to end debate, that they would get themselves to a point where that debate would terminate and they could vote on passage of the bill, they could vote on getting that bill done. So in the 1970s, 60 votes became the norm.

An important point to mention is this: The rights we have as individual Senators representing our constituency—which in my case is the great people of Nebraska, and the people of the United States of America, for that matter—those rights were intended to exist in every respect. In other words, I could come to the floor as a Senator, under the rules, and if a piece of legislation was there and I had an important issue I wanted to bring to the attention of the country or this body, I could offer an amendment, and, except under certain circumstances, that amendment did not even need to be germane.

I remember, for example, that when this health care bill was passed there was a provision that if somebody in business bought over $600 worth of items, they had to file forms with the IRS, a 1099, and give a form to the vendor.

That is a mess because you never know if the first purchase on January 1 is going to be the last purchase or the first of a series of purchases that get you over $600. I wanted to get that out of the bill. It did not make any sense. Even the citizens' advocate for the IRS was saying: Well, gosh, we have looked at this. It does not make any sense.

So we started working, and on every piece of legislation that would come forward I would offer that amendment to get rid of the 1099 requirement in the health care bill. Originally, I was nearly laughed out of the Chamber. Democrats who had passed the bill were basically saying to me: You want us to change our bill? Get lost. I came back a second time. I came back a third time. I came back a fourth time. The business community got involved, and small businesses started calling their Senators and saying: Senator, please, look at what MIKE is offering. This is sensible. This needs to happen. We offered it a fifth time. At some point, the President of the United States in his State of the Union—I was sitting right there, about two rows back from where he was. Madam President, I was not any farther from the President of the United States than I am standing from you today. He mentioned that it was time for this provision to go. So we offered it a sixth time, and then we offered it a seventh time, and we finally got it done.

Do you know what? I did not go out and crow: My goodness, I must be the smartest Senator in the body or I must be the best Republican and those evil Democrats. I did not do that at all. I went out and I said to public: This is very important for small businesses. I am glad my colleagues agree with me, and we can all take credit for this. Go back home and tell people you supported it.

There were very few who voted against it in this body. So an issue that started out with basically no support to speak of in a bipartisan way not only got huge bipartisan support—over 80 votes—it even got a mention by the President of the United States in his State of the Union Address as something that needed to get done. And we could all take ownership of it then and today.

Why do I mention that point? I mention that point because those rights continued after those filibuster changes. This body came to the conclusion that under the Senate rules it was appropriate to somehow get to a point where we could say: OK, everybody, you have had your day. It is time to bring the debate to an end, if we can, if we can get sufficient votes. If we cannot, well then we cannot. This bill is probably not going to go any further. That has been the history of this institution literally from its beginning. Read Bob Byrd's books. He will explain that to you. As you read what he is saying there, you begin to feel the admiration that he felt for the Senate. But the other thing you will begin to feel as you read through these books is this: You will begin to feel how deeply he cared about the individual rights of each Senator, whether they were in the majority, whether they were Democrats, whether they were in the minority, whether they were Republicans. You see, Senator Byrd understood that the pendulum does swing. There will be times where Republicans will be in control of the Senate. The voters will decide that. There will be times, therefore, that Democrats will be in the minority.

He also understood that there would be times when Democrats would be in the majority and Republicans would be in the minority and that as our country would go through various transformations and various political processes, we would end up with a different

Senate depending upon what happened in each election cycle.

But the one thing Senator Byrd wanted to emphasize and hold as a sacred constant in our system of government was that each Senator had rights. Each Senator could come to the floor and exercise those rights whether the person they called leader was Democrat or Republican. He wanted to make sure the tyranny of the majority would never silence those rights of the minority or the individual Senator.

With that context in mind, let me review the events of the last few weeks. With that context in mind, I am hoping that is instructive relative to what happened here. As I said yesterday during my comments on the floor, I guess we would all like to probably think we are the smartest Senator who has ever served in the body. We are not. Some of the giants of this great country have served in this body. Some of the intellectual giants who have ever lived in the United States found their way to the Senate.

They not only worried about what was happening in their period of history, they worried about what the Senate would be 10 and 20 and 100 and 150 years in the future. Keep in mind, this body has been here over 200 years. In many respects, as Senator Byrd points out in his book, the rules we operate under are similar. Why? Because they were smart in the beginning and they are smart today. They have served us well for over 200 years.

As I said, I guess we probably all like to think we are about the smartest Senator who has ever served. I can tell you, during the vote right before Thanksgiving, there were some Senators who were kind of crowing about the change that had occurred. I even read some newspaper articles that, boy, their day had arrived.

So what happened? Let me tell you what did not happen. Under our rules that govern how we operate, how we pass laws, how we debate the important issues of the day, we can amend our rules with 67 votes, a two-thirds majority. It is right there in the rules. What a thoughtful provision.

The whole idea behind that provision was you do not want the tyranny of the majority to crush the minority. You do not want the tyranny of the majority to crush the rights of the individual Senator, whether he is from Nebraska or California or Florida or wherever.

So in those rules it takes 67 votes. Did that happen before Thanksgiving? Did Members who wanted to see this done come over here to this side and say: You know, Mike, think through this with me. Please join with me in trying to get this done. I cannot get it done with 55 Democrats. I need your help to get to 67. That is going to take Democrats and it is going to take Republicans and it might even take an Independent or two to get this rule change done.

Is that the way this happened? No, not the way it happened at all. So what did happen right before Thanksgiving? The majority leader, in essence when you cut through everything, asked for a ruling from the Chair. The ruling by the Chair was consistent with the rules of the Senate. Then the majority leader said: I will appeal the ruling of the Chair. What does it take to overrule the Chair? It takes a majority vote.

All of a sudden on executive appointments, circuit court judges across the United States of America—a lifetime appointment, I remind you, there is no way they can be removed except by the impeachment process once there—and Federal district court judges across the United States of America, the rule was changed.

By a two-thirds vote as the rules would contemplate? No. By appealing a correct ruling of the Chair and overruling it with a majority vote. Like I said, there are probably many here who would like to think: I thought that up. I must be pretty much the smartest person who ever served in this body. I cannot imagine why somebody did not think that one up before. Do not fool yourself.

That was thought up many times. Read the writings of Senator Byrd. Read the writings of any great intellectual who has looked at the Senate and how it operates and understands the rules. We have known for decades and decades and decades, maybe since the beginning, that you could appeal a ruling of the Chair and make reality out of a majority vote even though the Chair ruled correctly. That is what happened.

I spoke of the tyranny of the majority. The Senate was never intended to be a majority-based body. Let me get back to the Great Compromise. I mentioned that when Senator Byrd decided to put all of this information together in that four-volume set, it was to honor 200 years of history of the Senate or, stated another way, 200 years since the Great Compromise.

The Great Compromise came about because when we as an infant country decided there were going to be two Houses in our legislative process, almost immediately our Founders decided that one House, the House of Representatives, would be population based and majority ruled. If you are California or New York, as it turns out, that works pretty well; if you are Nebraska or South Dakota, not so well. Why? We have three Members in the House. It seems to me every day of the week California is going to outvote Nebraska. New York is going to outvote Nebraska. Florida is going to outvote Nebraska. Darn near anybody in the country is going to outvote Nebraska.

Although we have this very large land mass, our population is 1.7 million to 1.8 million people. It is spread out across this very large land mass called the great State of Nebraska.

Our Founders looked at that and said: It does not take much to figure this out. This is not going to work out very well over time. It is a majority-based body. So political parties have been a feature almost from the beginning of our country. So if you are in the majority, you are always going to win. You are also going to beat the minority as long as your team sticks together.

But they wisely said: The Senate is going to be different. The Senate is going to be that body where every State gets two. You see, in that regard, Nebraska is just as powerful as New York. We are just as powerful as Pennsylvania. We are just as powerful as California. We are just as powerful as Hawaii. Why? Because we each get two.

Then the Senate was structured in a way, as I have pointed out, where literally from the beginning one could debate a bill right down to a pathway where it was not going to get passed and thoughtfully and carefully. But under the rules of the Senate what was happening is as we decided to limit debate at some point in the process, you had to get this supermajority

Senators knew they could appeal a correct ruling of the Chair and reverse it. But they knew that option should never be used. It did not get its name ''nuclear option'' by accident. Most recently when Republicans were in control, the threat was made: We might go to the nuclear option to get our judges confirmed.

Oh, my goodness. Democrats in this body rose up. They were offended that those words would even come out of a Senator's mouth. They were fighting tooth and nail to stop that because it so changes what happens in this body. Now what has happened? The worm did turn. They are in power. All of a sudden, well, I reserve the right to change my mind.

So just before Thanksgiving, a correct ruling of the Chair was overturned on a pure party-line vote, where Democrats said to each individual Senator who is a Republican, where Democrats said to each individual Member who sits in the minority if a Republican: Sit down and shut up.

That is what this rule change does. It relegates my voice as a Member of a minority party in the Senate on district judges, executive appointments, and circuit court judges—two of those being appointments for life—it renders my voice absolutely, positively meaningless.

No Democrat has to cross that line and come over here and say: Mike, I want you to look at this judge in wherever—let's say Arkansas—because I think they are qualified and I want you to think about voting for them. They do not have to do that anymore. They do not need me. They can just outlast me, just like they are doing right now. They can bring this to a vote, and on a straight party-line vote they can appoint the entire judiciary of the United States in the district courts and in the circuit courts with absolutely no involvement whatsoever from the minority. None. That is what their rule change did.

Let me take that rule change and think out loud about where we have put ourselves as a country. I wonder who was the first Senator in our history who came to the floor and said: My fellow Senators, I have thought about this, I have contemplated it, maybe I have even prayed about it, and I believe the day has arrived to end slavery in the United States, and I will be attaching an amendment to every bill to end that horrific practice.

I will bet they were a very lonely Senator at that point in our history. But I am also guessing that Senator, and tenacious other Senators along the way, exercised their rights as a minority and as an individual Senator to continue to force that issue. What a courageous, remarkable thing to do.

So let's think about where we are headed. We now have a precedent. As Bob Byrd pointed out in his writings, precedents voted on by Senators have significant binding effect in this body. It is not something you do one time, tear up and throw away. It is something that becomes a part of the heart and soul of this body. It is something that is a method of operation, a rule, if you will, by which future decisions are made within the Senate.

What is this precedent? This precedent is not that Democrats or Republicans have to cross the aisle and get 67 votes together to change the rules. This precedent now is that you can ask for a ruling of the Chair, the Chair can correctly deliver a ruling, and you can then get your team together, Republican or Democrat, and you can vitiate, overrule, and annihilate the correct ruling of the Chair to get a different result.

So for the first time in our history we are now confirming judges in the circuit court, in the district court, and executive appointments under a majority rule—for the first time in history. Why? Was it because 67 Senators said: Look, let's do it this way. No. It is because the majority leader asked for a ruling from the Chair, the Chair gave a correct ruling, and then the majority leader stepped in and said: I will appeal that. He kept his Democrats together and successfully appealed it and, all of a sudden, we are off in a different direction.

So let's think about this. Let's say you are a Democratic President and the Senate is Democratic—maybe it is evenly divided, but you have the Vice President in the Chair so you can break ties. You are in the last 18 months of your time in office and you have already won a reelection so you are term limited. In 18 months you move on down the road. Let's say you have a Supreme Court where four of the members are conservative, four are what would be regarded as liberal and you have one member kind of right in the middle. So whenever there is a major argument before the Supreme Court everybody is trying to guess which way the one in the middle will go. Will he or she side with the liberals on this one? What has he or she done in the past? Will that Supreme Court Justice side with the conservatives? What has he or she done in the past on these kind of issues? You can kind of get a roadmap of what they might do on this major constitutional issue.

Now, for whatever reason, that Supreme Court Justice dies in office, becomes ill, can't perform the duties, decides to retire, decides: Look. I have been here a long time. It is time for me to move on. Maybe they even have an inkling they want this President to appoint their replacement. My goodness, this is a pretty important issue. You have that one vote that kind of moves back and forth, and this is pretty darned critical for the next 10, 25 or 50 years in the United States. It could make all the difference in the world.

Let's say the President of the United States takes a look at that and says: 18 months. I am not sure I can get this done. The President calls his friend, the majority leader in the Senate, and says: My friend, how do we move this Supreme Court nominee whom I am going to announce tomorrow before I leave the White House? We need to get this done. Maybe it is not even 18 months, maybe it is 12 months or 6 months. How do we get this done?

The majority leader says: Mr. President, you know, under the current rules change we did in 2013, right before Thanksgiving, we took the voice away from the minority. So on circuit court or district court I could help you out, but we didn't apply that rule to the Supreme Court.

Maybe it is even further down the road and parties have switched. There is a Republican in the White House and the Senate is Republican and the majority leader is Republican. The Republican President calls and says: How do I get this done?

My friends, let me remind us again the precedence is set. Let me remind us again, as Senator Byrd points out in his very scholarly analysis of the Senate, that a Member-voted change appeal of a ruling of the Chair is a big dang deal. It is how we operate.

So the majority leader says: Let me think about it. He calls the President back and says: Here is how you get there. I will ask for a ruling of the Chair at the appropriate time. I don't know exactly when that will be. But at the appropriate time you have my commitment, Mr. President, just like they did right before Thanksgiving in 2013, I will ask for a ruling of the Chair. The Chair is going to rule against me, I want you to be aware of that. So if you are watching the proceedings, don't faint because this isn't over. But I need to have you go to work, as President Obama did in 2013, and make sure Members are in line. I will go to work and I will turn my whip team loose and we will keep our team together.

Let's say it is a Republican situation and all of a sudden you have the ruling and the majority leader says: I want to appeal that and the team stays together and so now we can change the complexion of the U.S. Supreme Court because the precedent is set.

I had somebody from the Democratic side say to me yesterday: Well, MIKE, I would never agree to that. I thought about the comment he made. In fact, I was trying to get to sleep last night and I thought about that comment, and it was just so obvious to me I wish I had said it to my friend and colleague. I wish I would have said: You won't have a voice because you are in the minority. Under the precedent set right before Thanksgiving, your voice was silenced. You were told to sit down and shut up because of the passage of this rule.

So huff and puff all you want, go to the floor and scream, cry, yell, threaten to do whatever you are going to do, but at the end of the day you don't have a voice because my team is together on this, and by a majority vote we are going to overrule a correct ruling of the Chair and we are going to pave the way for a new Supreme Court Justice who will decide cases based upon our philosophy. You know what. We are going to go a step further. We think those four Republicans there or four Democrats there, they haven't gone far enough. So we are going to get somebody who is really out there.

You know what. The precedent is set. You have the pathway to get it done.

Is there anybody in this country who believes for a moment that temptation will not be just too darned great? Look. How many times did my colleagues on the other side of the aisle during the last debate on this a few years ago say: Never do this. It will destroy the Senate. We aren't going to do this. They signed letters, and those same people voted yes to break the rules to change the rules. Those same people came in and—of course, they had a reason. Of course—they came in and said: Well, you know, these evil Republicans. I really don't want to do this. I feel so badly about doing it, but they are so darned bad, they are so evil, and they are such obstructionists, when there was no evidence to support that.

The reality is it is not what is happening these days, it is not what is happening over the next year on circuit court appointments or district court appointments or who is going to be the Under Secretary or the Deputy of something in the USDA; it is what is going to happen next when that President has that short a period of time to leave a lasting imprint on this great country and they can't pass up the opportunity. So all of a sudden the precedent is set and you are off to the races.

Some may be thinking: Mike, if that ever happens, I am going to call my Senator—who is in the minority, whether Republican or Democratic—and I am going to chew on them up one side and down the other side. I am going to point out to them that if they don't do something about this, I will run against them or I will find somebody to run against them because this

can't happen to our country; because Supreme Court appointments, you can't get rid of them once they are there, unless it is some kind of impeachment process. This is a lifetime appointment. Once done, it is over.

Do you know what that minority Member will say to all those calls? They will come in by the hundreds and thousands, if not the tens of thousands. Thank you for your call, but I have been silenced. I have no ability to stop that. I am in the minority.

It will not be a situation where that Senator will be able to say: I am just not persuasive enough. I don't think I can build the argument.

It will be a situation where they say: I am in the minority. My voice has been silenced. So we have a situation where the precedent is set, and that Member now has no voice.

Let's think about this in the last minutes that I have, because it doesn't end here. Again, keep in mind the precedent is set.

Let's say again that there is a very important piece of legislation. Maybe it is a health care bill, maybe it is a climate change bill. Maybe it is a bill to do whatever. I could think of a whole bunch of bills on either side that people would like to see get done. All of a sudden, the majority, working with their President in the White House, realizes the only way it is going to get done—because they can't get the 60 votes necessary—is try to change how things operate.

Not to worry, because the precedent has been set: Ask for a ruling of the Chair. The Chair will correctly rule. Keep your team together. Overrule the Chair and, by a majority vote, we now pass legislation by a majority.

Many in the Chamber who are majority or minority would say: Well, Mike. I don't like that. Gosh, I am not going to let that happen. I have heard that before. Because the same people who voted for this argued forcefully just a few years ago: We can't ever let this happen. This would destroy the Senate. This would destroy the purpose of the Senate.

But then they came in here and voted for it. Of course it will happen. The precedent is set, and then you have a different country. Let's think about that.

I have traveled all over the world in my roles as Governor and as Secretary of Agriculture trying to sell our ag products. There were certain parts of the world where markets were open and the economy was working and people were employed. They were good markets for our products. There were other parts of the world where, my goodness, even today not much is going on. People live in poverty. They live in crime and filth and disease. It is just horrific. There are a lot of reasons for that. It is complex.

But one of the constants in that was the political instability of the country. Whoever won got the spoils. So they would throw out everything the last group passed and they would pass a whole bunch of new things because they had the majority. Then the voters would rebel and say: Oh, my goodness. Did we make a mistake on this. Let's get rid of these fools. Then a whole new group would come in on the other side and they would throw out all the laws the last group had passed and they would pass their own laws. Why? Because they had the majority. On and on it went.

Businesses would look at that and say: How do we ever invest there? You are asking me to build a $25 million warehouse to do my work when I don't know what the laws are going to be 2 or 4 years from now? Because the elections would determine that.

In the United States of America we have had this remarkable economy for over 200 years. It has had good times and bad. I am not Pollyannaish about this. But jobs have been created, small entrepreneurs—and I could name them—built businesses that grew into remarkable companies. It is just incredible. Who are the next ones? What an amazing country we live in.

I will acknowledge, there are a lot of reasons for that. We are blessed with enormous resources, and I could go on and on. Our education system. But one of the reasons it has worked is we have tremendous governmental stability. Whether we want to or not, every administration is kind of in a position where they build upon the shoulders of the last administration.

What is the constant there? The White House can change every 4 years. It has to change every 8. The House of Representatives can change every 2 years, and it often does. Sometimes it doesn't. It is a majority-based body. So a new group comes in, they throw things out; a new group passes new things. It is kind of always moving and shaking. That is what the House was intended to do. What has been the constant in all of this? The Senate.

I know people get frustrated. They look over here and say: Geez, Mike. I wish you could pass something. Why can't you get more done? Why is this pace so frustrating? I will tell you, as a former chief executive, a mayor, a Governor, a Cabinet member, I sometimes come in here and go: My goodness. I am going to be 80 before this law ever passes, and I will not even recognize it.

It is the give-and-take of the Senate. It is exactly what was contemplated, and no one was going to come in and throw this out in 2 years and put this in and then 2 years later throw this out. Why? Because the Senate said: Wait a second. Not only are we going to call this the Great Compromise, but you are going to have to reach across the aisle to get things done.

Sometimes in our history that hasn't happened. At other times in our history it has happened. But through pandemics, world wars, crises, attacks upon our Nation, this body found a way to function and a way to stabilize the United States.

So when a young entrepreneur went out there and said: If I build this software, according to the tax laws we have now, will those laws be there 2 years from now? Yes, we can say they will be. We don't change the Tax Code very often. I am one of these people who argue we need reform in our Tax Code. But having said that, I know I am going to have to get it done in a bipartisan way.

But the precedent is set. We know now that if the majority leader asked for a ruling of the Chair and the Presiding Officer decides correctly, under the rules of the Senate, in consultation with the Parliamentarian, how that issue should be decided and decides it correctly under the rules, we know now what we feared over the last decades; that is, that the majority leader can say to the Presiding Officer: I want to appeal your ruling. I want to appeal your ruling. I want to get this Supreme Court Justice on the Supreme Court and a lifetime appointment.

I want to appeal your ruling because I am sick and tired of the other side not cooperating with me on what I want done. I have had enough of it. I am going to get my way. My team is together, and they are all going to vote just as I will. Even though your ruling was correct under our rules, we are going to set that aside, we are going to vitiate it, and we are going to get our way because my team—my team—is in control.

That is where we are today.

These rules have been changed over time. They were changed in accordance with our rules.

I see the leader is here. I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that if cloture is invoked on the Patterson nomination, that at 5:30 p.m. on Monday, December 16, all postcloture time be considered expired and the Senate then proceed to vote on confirmation of the Patterson nomination; that upon disposition of the Patterson nomination, the Senate proceed to vote on the motion to invoke cloture on the Johnson nomination; that if cloture is invoked on the Johnson nomination, then all postcloture time be yielded back and the Senate proceed to vote on confirmation of the Johnson nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, we are going to have two votes at noon today. After that, the next vote will be at 5:30 on Monday. There will be a series of votes on Monday.

As I indicated this morning, the Republican leader and I have spent some time together and I think we have had a productive discussion on the schedule. This schedule has been extremely difficult for everyone.

We have worked out a schedule that allows for the next set of votes which will occur at noon today to be the last votes of this week. We agreed on Monday evening the Senate will vote on the matters that we would have voted on the rest of today and this weekend.

So on Monday at 5:30 in the afternoon, the Senate will vote on Patterson, Johnson, one would be on the cloture on Johnson, and then it will be confirmation. We are doing our utmost to finish our business here a week from today so we can go home for Christmas.

So we will be in session Sunday afternoon. There will be no votes on Sunday. The next rollcall, I repeat for the third time, will be 5:30 p.m. Monday. On Tuesday, we will begin consideration of the budget and Wednesday the Defense bill. After that, we will address further nominations of which the most important one is Janet Yellen to be on the Federal Reserve. The others, I will work with Senator MCCONNELL filing a number and see how many we can get done.

I personally thank Senators for their cooperation this week and next week as we work through these important matters. I know there is a lot of work we have to do to get back to regular order. We will see what happens with the Defense bill we are going to vote on and the budget bill. But I am satisfied we have made progress.

ORDERS FOR MONDAY, DECEMBER 15, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes it business today, it adjourn until 1 p.m. on Sunday, December 15, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and the Senate convene for legislative business only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I want to make sure everyone understands that we have votes today.

The distinguished Senator from Nebraska was speaking and I interrupted him. I relinquish the floor. If he has more to say, he may certainly do so. I have no right to suggest the absence of a quorum.

Mr. COCHRAN. Madam President, the Senate has had an opportunity to be given an update on the status of our negotiation on the farm bill. It is my pleasure to announce that since our first conference committee meeting in October, we have been working to reach an agreement on a new 5-year farm bill. This is a bill we can take to the House and Senate. By working in collaboration and through our differences, we made progress and established a framework for our agricultural sector to continue to contribute in an important way to the economic life of our Nation. I am pleased to say we are making progress, but there are still some decisions that lie ahead of us. I am hopeful that on both sides of the aisle, in both bodies, we can come together on a farm bill agreement that will reform and modernize programs and produce budget savings at the same time as well as provide certainty about the government's role to producers and consumers alike.

I might also add that related to this is an interest many homeowners have in flood control insurance protection and government assistance. There is a reform bill, the Homeowner Flood Insurance Affordability Act, that I am pleased to have cosponsored that would delay premium rates temporarily until we can review and make sure these changes are going to serve the interests of homeowners and landowners in areas that are threatened by natural disasters. We don't want to a Federal Government Agency to draw a line on a map arbitrarily without fully considering all of the ramifications.

We must put the Flood Insurance Program on a path to fiscal solvency, and one way to do that is to ensure that it is a good deal in terms of investment and prospective return on investment for individuals as well as communities.

On another subject, I recently had an opportunity to review some correspondence and notes about calls my office received from constituents on the subject of the Patient Protection and Affordability Care Act. This is a major piece of health care legislation, as everybody knows. It affects insurance companies, it affects individuals, it affects the entire country, and it is a very important area of concern.

In order to comply with the law's requirements, a family could see their monthly premiums increase from $700 to almost $1,400, which is an increase of more than 90 percent. To put it in perspective, it is more than $16,000 per year that a family would have to spend on health insurance premiums alone. These figures are just not affordable for most Americans. So there is sticker shock associated with this misguided effort to help improve and expand our Nation's health insurance programs. These figures just signal to us how serious the implications are, and we must address this problem and seek proposals with very serious care and diligence.

Monthly premiums, for example, do not include copayments or out-of-pocket expenses. It does include the cost of several health benefits deemed ''essential'' by the administration, regardless of the fact that many people do not need or want to pay for these services. One constituent posed an interesting question to me, which is, Why can't we, the policy owners, decide what benefits and deductibles we want? I think they are right. They ought to have that right, and they ought to be given that choice.

Choice is what families should have when it comes to health insurance. Unfortunately, the freedom to make a decision based on what is in their best interests is no longer an option for millions of Americans who have to search for new insurance coverage, pay for benefits they will not use, and potentially even give up the doctors they know and wish to keep.

Despite assurances by the President that people who like their health insurance will be able to keep it, we have learned that the administration has known for at least 3 years that millions of Americans would lose the health insurance they currently have and would like to keep, as advertised.

Reports indicate there are an estimated 15 million people facing a potential coverage gap because many currently have insurance from the individual market but have received cancellation notices because their policies don't meet the law's requirements.

Since the Patient Protection and Affordable Care Act was enacted—incidentally, without a single Republican vote—in 2010 the administration has struggled to meet its own deadlines for implementation of the law. The ongoing problems with the law's enrollment Web site conspicuously foreshadowed the more significant failures that can be expected as this law is implemented.

The most recent marketplace enrollment report, which was released by the Centers for Medicare and Medicaid, states that less than 365,000 individuals have selected plans from the State and Federal marketplaces since October 1. It has been estimated that more than 47 million nonelderly Americans were uninsured in 2012. This means that less than 1 percent of the uninsured population in the U.S. has selected a health insurance plan by way of the Patient Protection and Affordable Care Act.

We are told that it is likely that on January 1 of this next year, more Americans will be uninsured than were uninsured at the time the health care law was enacted. This law's primary intent was to expand coverage, to encourage insurance, but it seems to be failing on both counts.

Implementation of the law's mandates reveals that the legislation will fail to reduce health care costs as well. In 2013, we are projected to spend $2.9 trillion on health care in the United States. This is approximately 18 percent of the entire U.S. economy. National health care expenditures are expected to increase substantially in the years beyond that.

Health insurance is just one component of our Nation's very complex health care system, and we could do better, should do better, and I think we can do better than this initial work product. We should get together and find common ground to improve the quality of health care in our country, to improve access, and reduce overall health care costs. We owe that to our constituents, our national economic interests, and to the future of quality health care in the United States.

Madam President, I invite other Senators to come to discuss this or other

issues we have identified as important for our consideration. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

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

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

DISCUSSIONS IN VIENNA

Mr. CORKER. Madam President, I thank the Senator from Hawaii for the way she has dealt with us since she has been here.

I rise today to talk about discussions that have been taking place in Vienna over the last four days relative to the Iran P5+1 discussions. I know each of us in this body focuses on different topics based on the committee assignments we have. I wish to point out that reports have come out today and last night that the technical experts who have been meeting around the deal that has been announced still are having difficulties trying to understand how to implement this deal that was written down on four pages.

I say this to talk about the fact that there are many in this body on both sides of the aisle who would like to weigh in on this issue. I realize the administration has expressed concerns as to what type of weighing in they think might be harmful to the discussions. I think there are many of us who understand those things and have tried to figure out a way to weigh in in an appropriate way.

(Mr. KAINE assumed the Chair.)

To bring people's memories back into focus, one of the concerns we have all had leading up to the announcement of this deal has been the amount of time, if you will, that remains before Iran reaches a status of being a nuclear armed state. So it was very important, I think to all of us, as we heard the announcement of this interim deal, that we actually understand the timeframes that were involved.

I know many people were alarmed—were alarmed—by this interim agreement because, in fact, there was a tacit understanding that Iran—which has been a rogue nation—no doubt, if this agreement continues to go through, is going to be a state that will be allowed to enrich uranium, much in the face of the 123 Agreements that we negotiate around the world, trying to establish a gold standard with countries to keep them from doing that.

This agreement—let's face it, I think that Wendy Sherman, yesterday, in testimony to the Banking Committee, and, I can assure you, every single Iranian official who has been involved in these negotiations, understand that what the United States of America, with other countries, has agreed to is to allow Iran to be able to enrich uranium at some level when a final deal is actually done.

I think one of the concerns that many of us have right now is that this interim deal either becomes the norm or—as the previous nuclear czar to the Obama administration, Gary Samore, has said—that we really just begin a series of rolling agreements and we never get to the place of establishing an end-state.

I hate to say this, but yesterday Wendy Sherman—I think many of us have certainly conducted discussions with the White House and have been in classified briefings, and one of the things we have really wanted to put in place—and I think CARL LEVIN in a meeting at the White House spoke most clearly to this—and that is, in order to alleviate that kind of thing occurring, we need to have a firm beginning date and a firm end date. He said that end date should be 6 months, which is, by the way, what the agreed announcement said.

I think what is dismaying to many people in this body is we are now finding out that not only is there not an end date, but addendums that can be mutually agreed to. In other words, there is no end date to this agreement.

We are now finding out, based on testimony yesterday from Wendy Sherman, we do not even know when the start date is, that officials cannot even agree as to when the beginning of this agreement is going to be and when the implementation begins.

It is pretty amazing to me that we could spend months negotiating over an issue that is so important to us and so important to the world and yet, after it is concluded, we do not even really know when the agreement begins, and we certainly—because of the text of the agreement—know that it does not have an end date.

I have tried to listen to the concerns that the administration has. I think I have demonstrated since I have been here that I really want to seek understanding, No. 1, but also try to use that understanding to solve problems.

So our office has worked hard to develop an amendment. It is an amendment that establishes a firm end date. But it also describes the end-state. That is what this amendment does.

I think people on both sides of the aisle—I do not think it; I know it because of public expressions—have been very concerned that this interim agreement already violates the U.N. Security Council resolutions that this administration agreed to back in 2010, as did the other members of the Security Council. Many people are concerned that if we start with an agreement that, no doubt, expressly violates the U.N. Security Council resolution, and it does not have even a clear start date or end date, there are a lot of concerns, as you can imagine, that we will never get to that place that countries have agreed to back in 2010 as it relates to where Iran's end-state should be.

Another concern that people have is, as we begin lifting these sanctions—and let's face it, Congress, the administration, and the international community actually have done a very good job together trying to figure out a way of appropriately implementing sanctions that have put pressure on Iran and have brought them to the place where they now are.

But I think the concerns—and as a matter of fact Senator JACK REED, yesterday, expressed these concerns in a Banking hearing—once you begin to basically say that Iran is not a rogue nation, that they are being brought hopefully into the international community, once you begin lifting even a minor portion of those sanctions, countries and companies around the world are going to clamor to do business because they see that in the very near future additional sanctions are going to be lifted. Just by virtue of that occurring, the sanctions begin to dissipate at a rapid pace. This is something, again, that has been expressed in a bipartisan way.

So I have an amendment. I am the ranking member on the Foreign Relations Committee, which means nothing other than I spend a lot of time on these issues and working with colleagues on both sides of the aisle to find solutions. As a matter of fact, we have not passed anything out of our committee yet that has not been bipartisan.

We have coming over, I understand, an NDAA bill that has typically been the vehicle on which we all express ourselves on these kinds of issues. It is my understanding that the majority leader has decided himself—I will say, much to the consternation of my friends on the other side of the aisle, but certainly to the consternation of people on my side of the aisle—that he is not going to allow any amendments, that he himself has decided what is best for this body.

So after spending months and months, and just coming from the region recently, working with the Presiding Officer and others on so many diplomatic and foreign policy issues together in a bipartisan way, I am now serving in a body that has the vehicle that typically is used to express ourselves on foreign policy issues and I do not have the right to raise an amendment to it. The body, by the way, may decide they do not support it. That is what happens around here. You debate issues and you decide whether you want to support them. By the way, the amendment I am offering does not add sanctions. All it does is define when the end is going to be, which, by the way, every world leader has stated is very, very important because of what is occurring on the ground in Iran, and it establishes a minimum end-state, which is what the U.N. Security Council resolution already says.

I am one Senator, I realize, and there are 99 others, and I am sure there are many people in this body who would like to express themselves on issues that are not deemed to be partisan or deemed to be political, but just to express themselves on policy they believe

to be important to the country. But the majority leader, on his own, has decided that is not going to be the case.

Yesterday I was riding the elevator with a Senator who I came in with. I came in with nine Democrats and one Republican. I was the only Republican, excuse me. I did not come in with any other Republicans. I was it. We have had a lot of fun, and we get together once a year and talk about that. Candidly, relations between us, generally speaking, have been very good for the 7 years I have been here.

This one Senator, who I have actually worked with more than others of the group on so many issues, said to me that what happened on the Senate floor a few weeks ago, where the majority overruled their own Parliamentarian—their own Parliamentarian—overruled with a simple majority vote, which means there are no rules in the Senate anymore—this person said to me: Look, BOB, it was not personal.

What is amazing to me is that the way this Senate is run is not personal to my friends on the other side of the aisle, the fact that, like lemmings, in so many cases, they would just follow, follow the majority leader, and let him decide what this body is going to vote on, and let him decide what policies this Senate is going to put in place. I do not understand that.

We have all worked hard to be here, and we all work hard to represent our constituents. I think we all work hard not to disrespect ourselves, not to disrespect the office we hold, not to disrespect—I will not say we have all worked hard not to disrespect this institution because I believe what happened greatly disrespected this institution—and certainly, hopefully, we work hard not to disrespect the citizens with whom we serve.

But what I find myself in total dismay over is that my friends on the other side of the aisle do not deem it personal that on the one vehicle that we typically express ourselves most on foreign policy issues—and at a time when we have so many foreign policy issues that in a bipartisan way people have concerns about—that they would decide to just let the majority leader decide what we are going to vote on, when we are going to vote on it, and if it is even appropriate to have a vote at all.

So here we are. We have witnessed the many problems that have dismayed both sides of the aisle relative to the rollout of the health care bill. I think everybody in this body would recognize I have not been down here taking cheap shots at that. Look, I am concerned about the citizens of our State and what they are dealing with relative to this policy, and hearing the distress calls of people who have had their insurance canceled and maybe have had a quadruple bypass and are concerned about getting on, and I know all of us are involved in trying to help those citizens who are in dismay and are very concerned they be successful in actually being able to get on the exchanges.

But here right now, seriously, we are watching a major foreign policy issue be rolled out by this administration with many of the same problems. We do not have a start date. We do not have an end date. We have not even broached the toughest issues with Iran over what the end-state is going to be.

I think that is a tremendous disservice to our Nation. It is a tremendous disservice to the countries with which we work all around the world. It is a tremendous disservice for this body not to express its will.

I know that the chairman of the committee had acted as if he wanted to participate in this somehow, making sure that Congress was heard on this in a way that does not blow up the negotiations. I think everyone here wants to see a diplomatic solution—everyone here. I do not know of anybody in this body that does not want to see that happen.

But I also know, and I think the administration knows this as well, that the actions of this body, candidly, over the years are the main reasons that we are where we are. But, again, I will close; I know I am getting redundant. Our majority leader in his wisdom—and I know the majority leader decides who serves on committees. He decides who the chairman is of those committees. I realize that with that you have a great ability to keep people from expressing their will or rising and really wanting to do something in a bipartisan way.

I am coming to understand, especially in recent weeks, what bipartisan means to our majority leader is whatever he decides is ''bipartisan.'' Even though the majority of the people in this body would really like to weigh in on this policy, to do so in an appropriate way so that we do not, in fact, do something that does something to harm the negotiation, but does something to strengthen our hand in these negotiations.

That will not occur. To me, that is a disservice to this body. It is a disservice to this Nation. It is a disservice to every Member. No doubt, when each of us do not have the opportunity to express ourselves through amendments, what that really means is the folks we represent back home have no rights to have their concerns expressed or voted on.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

PRAYER

The PRESIDING OFFICER. Pursuant to the order of February 29, 1960, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will now suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign God, ultimate judge of the leadership of this Nation, thank You for loving us and calling us to be Your people. Make us worthy of the honors You have bestowed upon us. Today, give to our lawmakers Your grace and peace so that they may use their talents to empower people to live lives of purpose.

Lord, invade the thinking of our Senators with insights and inspiration that they could not produce on their own. May Your omniscient wisdom guide them as You strengthen them to do Your will.

We pray in Your sacred Name. Amen.

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Heather Anne Higginbottom, of the District of Columbia, to be Deputy Secretary of State for Management and Resources?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay'' and the Senator from Utah (Mr. HATCH) would have voted ''yea.''

The result was announced—yeas 74, nays 17, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—74

Ayotte	Durbin	Landrieu
Baldwin	Feinstein	Leahy
Baucus	Fischer	Levin
Begich	Flake	Manchin
Bennet	Franken	Markey
Blumenthal	Gillibrand	McCaskill
Booker	Grassley	McConnell
Brown	Hagan	Menendez
Burr	Harkin	Merkley
Cantwell	Heinrich	Mikulski
Cardin	Heitkamp	Moran
Carper	Heller	Murkowski
Casey	Hirono	Murphy
Chambliss	Hoeven	Murray
Coats	Isakson	Nelson
Cochran	Johanns	Paul
Collins	Johnson (SD)	Portman
Coons	Kaine	Pryor
Corker	King	Reed
Donnelly	Klobuchar	Reid