Feldblum has played an important role in developing a strategic plan that allows the EEOC to create a system that rewards effective investigations and conciliations, and does not incentivize the closure of charges simply to achieve closures.

I urge my colleagues to support the re-confirmation of this excellent, highly qualified nominee. I look forward to her confirmation and to her continued service on the Equal Employment Opportunity Commission.

The PRESIDING OFFICER (Mr. KING). All time has expired. The question is on the Feldblum nomination.

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

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

The question is, Will the Senate advise and consent to the nomination of Chai Rachel Feldblum, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission?

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alabama (Mr. SHELBY) and the Senator from Illinois (Mr. KIRK).

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

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 258 Ex.]

YEAS—54

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

NAYS—41

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

NOT VOTING—5

Kirk	Mikulski	Shelby
Manchin	Rockefeller	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Elizabeth A. Wolford, of New York, to be United States District Judge for the Western District of New York.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

QUORUM CALL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now asks the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6]

Alexander	Franken	Moran
Baldwin	Gillibrand	Murkowski
Barrasso	Hagan	Murphy
Baucus	Harkin	Murray
Bennet	Hatch	Nelson
Blumenthal	Heinrich	Paul
Blunt	Heitkamp	Portman
Booker	Heller	Pryor
Boxer	Hirono	Reed
Brown	Hoeven	Reid
Cantwell	Inhofe	Sanders
Cardin	Isakson	Schatz
Carper	Johanns	Schumer
Casey	Johnson (SD)	Scott
Coburn	Johnson (WI)	Sessions
Cochran	King	Shaheen
Collins	Klobuchar	Stabenow
Corker	Landrieu	Udall (NM)
Cruz	Leahy	Vitter
Donnelly	Lee	Warner
Durbin	Markey	Warren
Enzi	McCain	Whitehouse
Feinstein	McConnell	Wyden
Fischer	Menendez	
Flake	Merkley	

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Elizabeth A. Wolford, of New York, to be United States District Judge for the Western District of New York, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY).

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

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 259 Ex.]

YEAS—55

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

NAYS—41

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

NOT VOTING—4

Baucus	Rockefeller
Kirk	Shelby

The PRESIDING OFFICER (Mrs. HAGAN). On this vote the yeas are 55, the nays 41. The motion is agreed to.

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I thought I had voted on the last vote but apparently it was not registered. Had it been registered, I would have voted aye.

I thank the Chair.

NOMINATION OF ELIZABETH A. WOLFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW YORK

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

The majority leader.

Mr. REID. On behalf of the majority, I yield back 57 minutes.

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

The Senator from New Hampshire.

MCCAFFERTY NOMINATION

Mrs. SHAHEEN. Madam President, I appreciate the 3 minutes to be on the floor in support of the nomination of

Landya McCafferty to the Federal district court for the District of New Hampshire. If confirmed, Landya will be the first woman to serve on the Federal bench in New Hampshire. But it is not Landya's gender that matters; it is her professional experience and her personal qualities that make her stand out. She has widespread bipartisan support throughout the New Hampshire legal community and she will make an excellent addition to the Federal district court in New Hampshire.

She is currently the U.S. magistrate judge for the District of New Hampshire. Her Federal court experience includes clerking for two district court judges and at the First Circuit Court of Appeals. Landya has also prosecuted professional misconduct cases for the New Hampshire Supreme Court Attorney Discipline Office, served as an appellate and trial attorney in the highly regarded New Hampshire public defender program, and worked in private practice as a civil litigator.

Landya is an innovator. As a magistrate judge, she has become a nationally recognized expert and teacher on how to use technology to achieve a more efficient and paperless workflow in the Federal court system.

She was unanimously rated ''well qualified'' by the American Bar Association's Standing Committee on the Federal Judiciary—their highest rating.

Landya is also active in the legal community outside the courtroom. For the past decade she has lectured at continuing legal education seminars on various topics, primarily on legal ethics, and has also presented guest lectures on legal ethics and civil procedure at the University of New Hampshire School of Law.

I am pleased that this morning, after several months, we are finally going to get a chance to vote on Landya McCafferty, who is a well-qualified, noncontroversial district court nominee. She has the support of Senator AYOTTE, who also represents New Hampshire.

I have no doubt Landya McCafferty will be an outstanding Federal district court judge, and I urge my colleagues to support her nomination when the vote comes up this morning.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I rise to discuss the nomination of Elizabeth Wolford to be U.S. district judge for the District of New York.

I am new here. I am just completing my first year in the Senate. But I believe this nomination gives us all an opportunity to discuss how government is or is not working in Washington, DC.

I know when I travel the State of Nebraska—and I am back in the State most weekends and put on hundreds of miles; we are a big State, but as I travel the State of Nebraska, people always ask me: How are things going in Washington? How are you doing in Washington? I can't help but compare what we do in Nebraska to what we are doing now in Washington, DC, because in Nebraska we have a pretty unique system. We are unicameral, we have one house, we are nonpartisan, and we get things done.

We have an agenda set up every day in the Nebraska legislature, and we follow that agenda. We have bills listed. We go through those bills, and, most importantly, we take votes. As a State senator in the State of Nebraska, I have an opportunity to rise and debate with my colleagues on the issues before us. I have the opportunity to sit at my desk in the chamber in the Nebraska capitol and write out an amendment, take it up to the desk, have it discussed, and then have it voted upon.

I believe the Nebraska way is a good example for what we could do here in Washington because we have so many important issues before us that are not being debated. I am speaking basically to an empty Chamber right now. We aren't debating the big issues before this country. We are not acting upon the big issues that are before this country. We certainly are not voting on those issues.

We have a system in the Senate where amendments are not accepted. That whole concept is very foreign to me, because, as I said, in Nebraska we are able to file amendments and we are able to have those amendments voted upon. We also respect the rights of the minority, for although we may be officially nonpartisan, we do belong to political parties. We have a right to express our views on an issue, to represent our constituents, and to express their concerns. Those rights are respected, they are valued, and they are upheld.

I can tell my colleagues I had bills that were filibustered in the State, and those filibusters would last, in one case, 16 hours. But in the end, after those views of the minority were expressed, we took a vote on the issue. In Nebraska, we take up those issues. We defend the rights of our constituents to be heard, and that is what this body should do as well. We should honor the rights of all of our constituents and have their views be heard.

Being from Nebraska, we don't have as many people as some of the other States. But within this body, every Senator is equal. Every citizen has equal representation. That is a principle, and that is a value that must be respected.

I am sorry to say I believe we are at a point where that principle, that value is no longer respected within the U.S. Senate.

I see my colleague from Nebraska is in the Chamber, Madam President. I ask unanimous consent that the Senator from Nebraska and I be able to enter into a colloquy.

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

Mrs. FISCHER. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Madam President, I appreciate the opportunity to enter into this colloquy with my colleague from Nebraska.

We have a rather unique experience. For 6 years I was the Governor of Nebraska, and when Senator FISCHER was elected to the unicameral, I was actually coming to Washington to be the Secretary of Agriculture, so we did not work together. But we both worked in the same system.

I would like to get a legislative perspective about how the Nebraska unicameral works. I saw it from the Governor's office, but, of course, I was not on the floor every day. That is not typically what a Governor would do—to go to the floor every day. But Nebraska is a pretty Republican State. I think we all recognize that. We know that. It is a nonpartisan unicameral. So not only is it a one-house system, but the senators do not run as Republicans or Democrats. They run on a nonpartisan ticket.

I would also say that our voter registration in Nebraska is public record. So, of course, the media, when we would run for office, would always look up how we were registered or they would ask us. I do not remember a time—maybe there was a time, but I do not remember a time—when Democrats had the majority in the unicameral by their voter registration.

I would like the Senator from Nebraska to explain how the majority party, Republicans, worked with the minority party in terms of committee assignments, how they would work with the minority party in terms of chairs. Would a member of the minority ever get a chance to be a chair of a committee? How does that work? And I would like the Senator to talk a little bit, if she would, about how this system works on a day-to-day basis in terms of the relationship between the majority and the minority. Maybe it will be instructive today.

Mrs. FISCHER. Madam President, I am so very fortunate to have Senator JOHANNS as the senior Senator from Nebraska. He has a wealth of experience as a former Governor, as a former Secretary of Agriculture, and as a U.S. Senator. So he has definitely been a mentor to me. I believe, perhaps, Nebraska can mentor the Senate through the trying times we are facing right now.

As Senator JOHANNS said, we are nonpartisan. We do not caucus. We do not have majority or minority leaders because we are nonpartisan. So we do not have that leadership structure in our State that we have here in the Senate.

In the State of Nebraska, if you want to be part of leadership, you stand on the first day of a legislative session, and you have to nominate yourself and run for that position. So you would nominate yourself for speaker and then we do a secret ballot. It is 25 votes, and you would be speaker because there are

only 49 of us. Then we go through the committees, and we have 14 standing committees. So as chair of the transportation and telecommunications committee, I had to stand on the floor of the legislature and nominate myself, which is hard to do, but you nominate yourself, and then your colleagues, your peers, decide who the chairman will be.

We had Republicans and Democrats who were committee chairs. In fact, this past year in the legislature, even though officially there is a majority of Republicans, many of our chairmen—in fact, I think it was the majority—were Democrats because you are rewarded for the hard work you do, for your integrity, for your honesty, for being willing to listen to all sides and work with everyone to reach consensus.

So it is a unique system, it works for our State, and it is that ability to work with each other to try and build those coalitions so you can get your 25 votes on an issue, on a bill that you have, that makes us so very special with regard to other States and also with regard to the U.S. Senate, because we do work together.

The coalitions change. The coalitions change depending on the issue. You can find allies all across the spectrum—from more liberal members to more conservative members. If you have a good idea that is going to benefit the people of the State, your peers are willing to come forward and work with you.

I know Senator JOHANNS as Governor had to draw up budgets and send those budgets, then, to the legislature and have our appropriations committee go through that process dealing with his agency heads. Then the appropriations committee would bring that package to the floor. Here again, we would debate it. I do not know if the legislature always agreed with Senator JOHANNS during his time as Governor, but perhaps he could give us some insight into how we came together on budgets and were able to work through that as well.

Mr. JOHANNS. Madam President, I would love to be able to stand here today and say to my colleague from Nebraska that every time I submitted something to the legislature they loved it, blessed it, and passed it. But that did not happen. There was a give-and-take process that would occur. The budget is actually a perfect example. Like this system, the Governor of Nebraska gets the first shot. The Governor, soon after the legislature would go into session in January of each year, would submit a budget. We have a long session. It is a 90-day session 1 year, and then next year it is followed by a 60-day session. In the 90-day session we would do the full budget exercise. Typically, in the 60-day session we would do the fine tuning. It was a biennial budget that would be passed.

I quickly learned if I was going to have any success, whether it was the budget or any other initiative, I had to reach out on an individual basis and convince each senator of the merits of my idea I was proposing. This was not a situation where I had the ability to go to the majority leader and say: Get your people in line. Crush the minority and pass my budget. That would never happen in Nebraska. It would not happen with the majority—typically that would be Republican in Nebraska—and it would not happen with the minority, which is typically Democratic in Nebraska.

I always said as Governor that most days the one thing that the unicameral could almost unanimously agree upon is that they were mad about something when it came to the Governor. But the reality is we worked through these things. There was give-and-take. There were things that I wanted that I did not get. There were things that I did want that they would have to give in and compromise on. It never failed, we would pass a budget by the end of the legislative session.

I have said many times looking back on my time as Governor that at the start of the legislative session—the 90-day session—there was one thing I could guarantee to Nebraskans. That was that by the end of the session a budget would be passed. The second thing I could guarantee is, without gimmicks, that budget would balance. We had a simple philosophy. We would not spend money that we did not have. No. 3, I could promise Nebraskans that we would not borrow money to make that budget balance because, you see, in Nebraska we are limited by our constitution. We are only allowed to borrow $100,000, which I am sure when the constitution was written many, many decades ago that was a very handsome sum of money. Today it does not get you very far. So at the end of day we had to balance the budget.

Some of my greatest allies as Governor were Democrats. Some people who fought me the hardest on certain issues were Republicans. But we had to work through that.

I would ask my colleague from Nebraska, does she ever remember a time in the 8 years she was a Nebraska senator where she was in a meeting where her Republican colleagues said to her: Let's figure out a way to silence the minority and get our way on every vote because we have the majority. We could win every vote if we do that. Let's figure out a way to break the rules so we can change the rules so this minority means nothing anymore in this legislative body when it comes to these issues.

I ask my colleague from Nebraska, did that ever happen?

Mrs. FISCHER. Madam President, the people of Nebraska would never stand for that to happen in our State. As I said, we are very proud of our unicameral system and how we are able to work together. Of course, we know who is a Republican and who is a Democrat in the Nebraska legislature. But as I said, we are able to cross that aisle, which does not exist in Nebraska, by the way. We do not sit separate from each other. We are able to reach out and work together. We have this system that is so open and so transparent. We work with the Governor—or perhaps in Senator JOHANNS' case not work with the Governor—on the issues. But we are able to have that dialog with our chief executive. We are able to have that dialog with each other.

We have a committee process where every bill that is introduced has a public hearing. Any person can walk into the hearing room and come forward and testify before a legislative committee in the State of Nebraska. Senators then have the opportunity to ask questions to be able to gain more information, not just from people who are invited to come and sit on a panel before a legislative hearing but from citizens who step forward and are willing to take that time away from their jobs, their families. Some may have to travel a great distance since we are a very big State in order to get to the capital to be at a hearing and express their views. I believe in most cases—at least in my experience—every individual who would come before a legislative hearing in the State of Nebraska was treated with respect, whether they agreed with a majority of the members on the committee or they had a disagreement.

It is a respect for those views that are different from your own that I believe is so very valuable as a legislator, to be able to hear, to be able to question.

That is why it truly saddens me that we are seeing a rules change here in the Senate, where I believe the views of the minority will no longer be considered.

It has been my experience here so far that I have been able to have meetings with nominees, nominees who are coming before the committees that I sit on to be confirmed. They come to my office. I am able to ask them questions. I am able to express to them the concerns I have heard from the people in my State and hopefully get answers from them. It does give us an opportunity to establish a relationship where we are going to be able to work together in the future but, more importantly, it gives me the opportunity, as the Senator from Nebraska who happens to be in the minority, to have that chance to question the nominee for Commerce Secretary. With the rules change, now that requires 51 votes, and even as a committee member, those nominees do not even have to come and introduce themselves to me.

That is not fair. It is not fair to the people of my State because every State citizen needs to be represented here in the Senate. That is what is so very—or what used to be so very special about this body.

You look through history—I know Senator JOHANNS is a great student of history—you look through history and you read about the debates that happened on the Senate floor. I remember

earlier this year when we were all in the Old Senate Chamber and we got to experience that feeling of being open and honest with our colleagues, without the cameras going, and truly being able to air some grievances. I thought that was helpful. It was a very moving experience for me as a new Senator to be there. But I think perhaps the Senator would agree with me that we have lost that spirit of the Old Senate Chamber and of the Senate Chamber in which we are standing.

Mr. JOHANNS. Madam President, I remember that night well. It occurred just some months ago. The nuclear option was being threatened. Many had worked very hard to avoid that.

Keep in mind that the nuclear option was not just discovered this year or last year; Senators have known of the nuclear option for a long time. We have been down this road before when Republicans were in the majority. Fortunately and wisely, they backed off. A group of I think 14 Senators got together and said: You know, we have to figure out a way to deal with this. And they did. They got a lot of criticism. I remember that. I remember the criticism was that they caved in, they gave in, they compromised, and that they should not have compromised and all of the things that you hear. But at the end of the day, leadership backed off of doing exactly what happened here right before Thanksgiving.

Well, that night we went into the Old Senate Chamber. Anybody who has ever visited that room, you walk in and you feel the history of that place immediately. Some of the great Senators in our Nation's history have spent time in that room arguing for the great causes of the day. It is a remarkable place. The doors were closed. There was no staff in the room. There was no media in the room. There were no cameras recording everything we were saying. This was a meeting of the Senators who were there to try to figure out whether there was a way forward.

I will not talk about the specifics of who said what to whom on this, that, and the other, but I will tell you about the atmosphere. I felt the atmosphere was extremely tense and uncomfortable, especially at the start of the meeting. We were really hopelessly divided on the issues we were facing. But the conversation began. People started making points on all sides of these issues.

In the context of that meeting and some things that had happened previously, a picture started to come together. The picture was that we had agreed as Senators—most of us, not all of us; some had disagreement with what we were doing—that there were certain executive branch appointees that, if there was no objection from any Senator, could move forward through the process really unimpeded. If a single Senator had an objection and said: Wait a second, I have had a dealing with this person, or whatever, that is very problematic, well then they have to go through the whole process. But we set aside hundreds of executive branch appointees. We said: Look, there is no good reason to force them through this process when there is no objection. Democrats, Republicans, and Independents shook hands on that, and that became the way we operate today.

Another piece of the context was that there was discussion about some things we could do with the rules. At this very lengthy night meeting, like gentlemen and gentlewomen, we shook hands and we had a way forward. It took a while to develop it. It took a while after the meeting to flesh it out. There was give-and-take. Some were concerned that it did not embody what we agreed upon. I personally thought we gave too much on our side, but at the end of the day I thought it made sense as a way forward to avoid the nuclear option. We reached an agreement. As I said, we shook hands. That put the issue to bed.

As I would talk to my colleagues on the other side of the aisle, we would say to each other: You know, that was a good meeting. It has only happened twice since I have been here—once on the START treaty and once on this. We congratulated each other for finding that way forward.

But then we started to hear just a couple of weeks ago that the agreement was not holding, not because either side had violated it but because all of a sudden the majority, led by Senator REID, decided they wanted to revisit this whole issue. I felt we had put the nuclear option in a lockbox, locked it up, and thrown away the key. I felt we had come to an agreement as a Senate that the damage to our Nation and its citizens in employing the nuclear option was too great a price to pay. That is what I came out of that meeting believing. That is what I continued to believe as I talked to my colleagues on the Democratic side of the aisle.

So what happened? If the agreement was not violated, if people were living by the agreement and a whole host of nominees had gone through the process, some of whom I did not like a bit but they got the votes necessary—they were confirmed, they had gone through the process. So what was different about a couple of weeks ago versus when we walked out of that meeting that evening? Well, I would ask my colleague's thought on that, but I think I know what that was about. I am going to continue to talk about this in the days ahead as we talk about this nuclear option and what it is doing to our country.

What happened is this: ObamaCare started to roll out. I remember the day ObamaCare passed. As I said last night, I was sitting in a chair right in front of Senator FISCHER. It was my first couple of years here in the Senate. What happened before Thanksgiving in the breaking of the rules to change the rules reminded me exactly of what happened with ObamaCare. The Democrats had the votes. It was a very unusual time in our Nation's history. They had 60 Senators and they had the majority in the House and they had the Presidency. Under the rules, they could stop debate and pass anything they wanted to pass. That Christmas Eve day, I remember feeling, as a member of the minority, I was told to sit down and shut up because my viewpoint on ObamaCare meant nothing. What mattered that day was raw, sheer political power. They had the 60 votes. I sat there during the rollcall vote. I heard every Democrat vote for one of the worst pieces of policy ever passed by this body. I felt that day as though I was told to sit down and shut up.

Then a couple of weeks ago, when ObamaCare was literally melting down before our eyes, people were being thrown off their insurance plan, they were beginning to realize what the cost of this was going to be, and they were beginning to realize that the promise that ''if you like your plan, you can keep your plan, period'' was a political gimmick. It was a lie. They were being thrown off their plans, and they could not even get on the Web site. All of a sudden, our colleagues on the other side of the aisle began to realize their jobs were at stake. Their numbers were crashing. All of a sudden, after we shook hands like gentlemen and gentlewomen after a very tense meeting and we implemented what people agreed would be implemented, we came back to revisit the nuclear option.

I would like to offer one additional thought about what this means. The rules of the Senate have been changed on occasion. It is not something we do very often around here, but on occasion they have been changed. The rules contemplate a way to change the rules: Two-thirds of the Senators have to agree to the rules change.

How did this come about? Let me explain that. The majority leader asked for a ruling of the Chair. Basically, the ruling got to the question of how many votes it takes to confirm somebody. That ruling was properly decided. The majority leader announced: I want to appeal that ruling.

That ruling was, in fact, appealed. How does one successfully appeal a ruling of the Chair with the majority vote, and that is exactly what happened. The Democrats fell in line, and I had the same feeling that day before Thanksgiving that I had on that Christmas Eve Day when ObamaCare was passed. The feeling I had, as a Member of the minority, was that every single Member sitting in those chairs, the majority, the Democrats, were saying to my colleagues and me: Sit down and shut up.

I said last night that I have a tremendous amount of respect for a man who served here for many years with great distinction, admired by everybody. I got to know him a little bit as he had not passed when I came to the Senate. Senator Robert Byrd was probably the finest historian of the Senate,

maybe ever. He would come to the floor and talk about the beautiful history of the Senate, this institution, and the sacred rights of every single Senator to come to the floor, argue, make their point, and offer an amendment.

Under the rules, the amendment doesn't even have to be germane to get a vote on it.

This beautiful institution worked for over 200 years under that rule, under that philosophy. Unbelievable.

It worked through wars, it worked through the 1918 flu pandemic. It worked through attacks on our Nation, 9/11, and Pearl Harbor.

Somehow, some way, great men and women came into this Chamber and figured out a way to make this body work until 2 weeks ago, when by sheer political force the majority pulled out of Pandora's box the nuclear option.

I ask my colleague from Nebraska to offer her thoughts as a new Member. I look forward, as the senior Senator from Nebraska, to watching the junior Senator from Nebraska.

I am not running again. What impact is this going to have? How does the Senator implement the desires, wishes, and dreams of Nebraskans who elected the Senator and sent her to Washington under circumstances such as this?

Does the Senator worry that what is going to happen will not just stop; that it will be Supreme Court appointments at some point and it will be legislative activity. I wish to hear those thoughts.

Mrs. FISCHER. In watching the Senate before I arrived and in studying the Senate throughout history, the beauty of this body has been the individual rights of every single Senator.

With the change we have seen, I believe those rights are diminished, which translates into the people who live in States that are represented by the minority will not be heard in this body.

I have been surprised, I have been shocked, and I have been hurt by comments from the majority, where I am referred to as an obstructionist, where my colleagues on this side of the aisle are referred to as extremists, anarchists.

I don't even know how to respond to the question of the Senator because nothing could be further from the truth. How I view this body is as one that should have an agenda. We should have Members on the floor participating in debates on bills following an agenda and taking votes, but we don't see that.

Instead, we see the two of us and our friend and colleague, the Presiding Officer, speaking to an empty Chamber, speaking to the TV cameras. That is not the way the Senate is supposed to operate. We are supposed to be doing the people's work.

I say to the Senator I don't know what we are obstructing, because as a member of the Armed Services Committee, we passed the National Defense Authorization Act out of committee in May. We passed that out of committee in May. We could have taken it up in June. We could have taken it up in July, September, and October. Instead, we seem to be in this crisis management mode in one of the greatest bodies in the world. That makes no sense.

I am ready to do the work, but until these bills appear on the agenda, how do we do the work? Why do we wait until we have a few days left in the year to take on what I believe is our most sacred responsibility, the defense of this country, our national security, our military men and women, our veterans.

The committee passed out a great bill in a bipartisan vote. It has passed in the Senate for the past 50 or 51 years. Yet we are against a time limit that was manufactured.

As I said, the bill came out in May. Why wasn't it on the agenda? Why can't we have amendments to it—very important amendments.

I happen to have a good amendment with Senator CLAIRE MCCASKILL, a Democrat from Missouri, and Senator KELLY AYOTTE, a Republican from New Hampshire, that we believe makes the provisions in our committee bill dealing with sexual assault even better, even stronger, that will protect victims. We are not allowed to have that amendment.

Again, that is a foreign concept to me, as a Senator, not being allowed to have an amendment on a bill that should have been brought up on the floor months ago so we could have had a debate on this truly No. 1 priority of our country. Instead we have crisis management.

I don't know about the Senator from Nebraska, but I don't respond well to crisis management. I like to have time to make wise decisions, to have major discussions, to gather information, to represent our constituents, to represent the American people.

The American people demand more. They demand us to be better. I can't even imagine what folks think when they know we are speaking to an empty Chamber, when we should be talking about the big issues of the day, when we should be talking about the National Defense Authorization Act, when we should be talking about sexual assault in the military, when we should be talking about how are we going to make sure our military men and women have the resources they need to keep them safe so they can return to their families and return to their families whole.

We should be talking about Iran. We should be talking about Benghazi, but we are not because we are not allowed to have that legislation before us.

As a new Senator, I can tell the Senator I am very frustrated. I know when the Senator is back in the State he hears, as I do, that the people of Nebraska are frustrated as well. I believe they reflect the views of the people of this country. They expect more from us. They expect us to be better. They expect us to do our job.

How can we do our job when we are not allowed to vote on legislation that addresses the truly pressing issues of our day?

I say to my colleagues on the other side of the aisle, yes, I am frustrated. I am upset. I am angry that I am not able to represent the people of my State by taking a vote, by taking a vote on amendments that all Senators feel are important as well. It is not only Republicans offering amendments that don't get heard, it is Democrats as well.

I would imagine the Presiding Officer is very frustrated. This has to change. I don't know how long it has been going on, but we can change this. We can change this by having an agenda that works, an agenda that brings bills up by a leader who is going to have an open amendment process.

Instead of us coming to the floor and addressing a camera, we need to be able to debate each other and have our voices heard because we are representing those voices back home. They expect that.

We need to do this. Maybe I am naive, but I think we can do it. I think we can still come together and be able to work together. Sometimes we hear the terms ''obstructionist,'' ''extremist,'' and ''anarchist.'' Enough of that.

It is not only Republicans who are demanding their rights and who are exercising their rights. I know we have Democratic colleagues who have put holds on nominations. They are not obstructionist. They are not extremist. They are exercising their rights as Members of the Senate. They are exercising their rights to have questions from their constituents answered.

I will defend their rights to put holds on nominations until they get those questions answered.

We don't always hear about that though. We don't hear that it is all of us in the Senate who have that duty to make sure we can have our constituents' concerns answered; so we can have a project in our State that is being held up for one reason or another addressed; so we can bring forward a question—from our Governor or our State or our State legislature—that an agency has not addressed in a timely manner, and where we as Senators can push a little harder to get an answer from a nominee or an agency. That is checks and balances. That is a balanced government. That is transparency. That is accountability.

It is not allowing the executive branch to get everything they want. None of us gets everything we want.

Senator JOHANNS made the comment that as Governor it is give and take. As a State senator I can tell you I had to compromise on bills that I thought were great the way I had them drafted, but you need to compromise with your colleagues, with the Governor, and with the President, in order to truly represent all the people in this country.

I am sorry to say this country is polarized. This country is polarized and

the Senate is polarized. If we could show some leadership here—if we can take on these hard issues, make tough decisions, and make hard choices—then we would be good examples to our country and we would have a brighter future. We need to show some leadership. We were elected to make these hard choices for the American people so that we can go forward.

With that, Mr. President, I yield the floor so that my colleague has time to address issues before us.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from Nebraska.

Mr. JOHANNS. I thank my colleague for being with me for this colloquy. I appreciate so much the legislative experience Senator FISCHER brings to this body. It is very extensive. She was regarded as the leader in the Nebraska unicameral and chaired an extremely important committee. She would be too modest to point this out, but at the time when our road system needed funding, she figured out a way not only to identify funding—and not by raising taxes but by better efficiency and better management, and it was a significant amount of funding—but she then built the coalitions necessary to actually get that passed. Back home, today, that is getting rave reviews. So I thank her for that because I drive on those roads and I know she does too.

My colleague mentioned the Defense bill, and nothing could be a better example of what we are dealing with here. This bill came out of the Armed Services Committee, which has a reputation for being one of the most bipartisan committees in the whole Senate system. It is not about Republicans and Democrats on that committee, for a whole host of reasons. One is there is just great leadership on that committee, and there has been great leadership in the past, but the focus is on the national defense of our United States and our allies.

For 50-some years we have passed a Defense authorization bill. It is one of the things, even when nothing else could get done, that we would get done. The hallmark of that is that it is a very open process. The bill comes out of committee—this one came out in May—and the amendment process starts, and we might go days working our way through that bill. It is very normal. It is very much a part of the process. At the end of it, typically that bill is passed with very strong bipartisan support.

What has happened that we would get a bill in May that has bipartisan support in this committee, it comes out of the committee ready for floor action, and we can't get to that bill except right before the holidays? We all know who controls the floor. Democrats control the floor. They are in the majority. The majority leader, through the election by Democrats, controls the floor. So it feels to me as though we are saying to our United States military: You are not important enough that we would give you 2 or 3 weeks in June or July, September or October to work through this huge package of spending. In fact, we are going to relegate you to the last hours before the Christmas break. Then the majority leader is going to say to those of us in the minority: By the way, I will pick your amendments. I think some of these amendments are pretty tough amendments for my people to vote on, so I will pick the amendments.

So what has happened to the right of every individual Senator to come to the floor of the Senate and offer their idea on a piece of legislation or, for that matter, any other important issue facing our United States?

This is like sending a message to the military from the Democrat majority that says: Look, you are important enough to get a few hours before we break, and we all go back and enjoy a big ham dinner for Christmas, and we open our presents while you are off fighting in Afghanistan or wherever you have been ordered to serve.

I don't think that is right. There isn't any reason why this bill can't get done. It has been done for 50-some years. What is so tough about it? There isn't any reason why this bill can't get called up in the summer. There isn't any reason why we can't deal with this bill in June. It came out of committee in May. There isn't any reason why we can't use these months leading up to now—the end of the year—to pass this bill.

There are few guarantees in the Senate these days, but one guarantee I can make is that if you allow this Defense authorization bill to go through the regular process, allow Senators to offer their amendments, come to the floor, debate their amendments, and pass or not pass those amendments, at the end of the day that bill will pass.

Instead, what has happened is the bill is put on the floor right before a holiday break and the majority leader says: I will decide whose amendments are going to get heard. I will be the one picking the amendments, and we have to get this done. If you don't agree with the way I want to do things around here, then you are an obstructionist, you are an anarchist.

Wait a second. I should have a say about that bill. It authorizes billions and billions of dollars. I should be able to go home to Nebraskans and say that I gave my best effort with an amendment that I supported or sponsored or whatever, and at the end of the day I won or I lost. After all, that is what they elected me to do.

It is not just what happened with the nuclear option, it is the way this Senate is being operated by those who are in the majority—Democrats. Never in the history of this institution has a leader filled the amendment tree, which is a fancy Washington way of saying I'm taking away the amendments from the minority, more times far and away than any other majority leader. When he does that, when he takes away the right to amend, he silences the minority because we don't control what comes to the floor. We are not in the majority. We don't control when a bill is going to be heard. We are not in the majority. So the only thing we can do as a minority is offer an amendment and plead our case.

Senator FISCHER mentioned a perfect example of the point I am trying to make. She says that she and others, on a bipartisan basis, have an amendment on sexual assaults, which we know is a very serious problem. Now, some might find this surprising, but I want her amendment to go further. I don't think it goes far enough. I don't think she would mind me saying that. I signed on to an amendment offered by Senator GILLIBRAND. I was one of the early ones to sign on. It is a bipartisan amendment, and it has over 50 cosponsors. That is the amendment I want.

I think this is an important issue. I see these young men and women come to my office, and they are proud as proud can be. They have just signed up or they want to go to the military academy, and it breaks my heart to think they may be subjected to sexual assault in the military. I believe we can't be tough enough. I believe we can't work hard enough to create an atmosphere that is so inhospitable to the sexual offender that they would never think of being in the military. I want to go as far as we can and I want to argue that point. I believe there will be Nebraskans that will agree with me and perhaps disagree with me. Why shouldn't we have that bill on the floor?

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Elizabeth A. Wolford, of New York, to be United States District Judge for the Western District of New York?

Mr. JOHANNS. 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.

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

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 260 Ex.]

YEAS—70

Ayotte	Coburn	Hatch
Baldwin	Collins	Heinrich
Baucus	Coons	Heitkamp
Begich	Corker	Heller
Bennet	Donnelly	Hirono
Blumenthal	Durbin	Johnson (SD)
Booker	Feinstein	Kaine
Boxer	Flake	King
Brown	Franken	Klobuchar
Burr	Gillibrand	Landrieu
Cantwell	Graham	Leahy
Cardin	Grassley	Levin
Carper	Hagan	Manchin
Casey	Harkin	Markey

McCaskill	Pryor	Thune
Menendez	Reed	Udall (CO)
Merkley	Reid	Udall (NM)
Mikulski	Rockefeller	Warner
Moran	Sanders	Warren
Murkowski	Schatz	Whitehouse
Murphy	Schumer	Wicker
Murray	Shaheen	Wyden
Nelson	Stabenow	
Portman	Tester	

NAYS—29

Alexander	Enzi	Paul
Barrasso	Fischer	Risch
Blunt	Hoeven	Roberts
Boozman	Inhofe	Rubio
Chambliss	Isakson	Scott
Coats	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Cornyn	Lee	Toomey
Crapo	McCain	Vitter
Cruz	McConnell	

NOT VOTING—1

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The nomination is confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

QUORUM CALL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

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

[Quorum No. 7]

Ayotte	Cruz	Manchin
Baldwin	Durbin	Markey
Barrasso	Enzi	McCain
Baucus	Feinstein	McConnell
Bennet	Franken	Menendez
Blunt	Graham	Merkley
Booker	Grassley	Mikulski
Boozman	Harkin	Moran
Boxer	Hatch	Murphy
Brown	Heitkamp	Murray
Burr	Heller	Nelson
Cantwell	Hirono	Paul
Cardin	Hoeven	Portman
Carper	Inhofe	Pryor
Casey	Johanns	Reid
Chambliss	Johnson (SD)	Roberts
Coats	Kaine	Rockefeller
Coburn	King	Sanders
Coons	Klobuchar	Schumer
Corker	Landrieu	Sessions
Cornyn	Leahy	Shaheen
Crapo	Levin	Shelby
Stabenow	Warner	Wicker
Tester	Warren	
Thune	Whitehouse	

The PRESIDING OFFICER. A quorum is present.

The question is, Is it the sense of the Senate that debate on the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 261 Ex.]

YEAS—58

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

NAYS—40

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40, and one Senator responded ''Present.''

The motion is agreed to.

NOMINATION OF LANDYA B. MCCAFFERTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW HAMPSHIRE

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

The majority leader is recognized.

Mr. REID. On behalf of the majority, I yield back 57½ minutes.

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

The Senator from New York.

UNANIMOUS CONSENT AGREEMENT—H.R. 3548

Mr. SCHUMER. Mr. President, as if in legislative session, I ask unanimous consent that if the Senate receives H.R. 3548 from the House of Representatives and the bill is identical to S. 1689, as introduced, then the bill be considered as having been read three times and passed; and that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I wish to thank my colleagues, in the Christmas spirit, despite these contentious times, for letting this bill move forward. Let me just briefly explain.

On Christmas Eve, 2012, nearly one year ago today, the 125-member West Webster Volunteer Fire Association—a volunteer fire department outside of Rochester—faced an unimaginable tragedy when four of their brave members were wounded, two fatally, when they responded to a fire but in instead faced an ambush of unspeakable proportions.

While many of our families across our Nation were waking up last Christmas Eve morning preparing Christmas dinner, shopping, wrapping presents or picking up family from the airport, four families in Webster, NY, were instead confronting a heart-wrenching tragedy.

The call of a house on fire came in to the West Webster Fire Department at 5:30 a.m. that morning, December 24. It was a cold, snowy morning, still dark, but the everyday heroes from the West Webster Fire Department courageously did what they volunteered to do on behalf of their neighbors and on behalf of their hometowns. They left their homes and their families to put out a fire.

Instead, this routine call turned into a tragedy which shocked this community and people throughout the country and even the world. What they didn't know was that the fire was intentionally set by the home's owner in order to lure these innocent firefighters into a senseless sniper ambush. The sniper was hiding behind a berm amid the chaos of the fire and began shooting at the responding firefighters.

The firefighters were confused at first to hear popping sounds; they thought it might be the fire, but Lieutenant Mike Chiapperini, who was also a Webster police officer, knew better and shouted to his fellow volunteers to take cover, but it was too late.