

Eissenstat, who works for Senator HATCH, worked very hard. They lead very good, trained teams, I might add. They are very talented, able folks.

I see this too as a vote to help propel us to the next level of trade expansion. One is the TPP, Trans-Pacific Partnership, which is being worked on by the United States and other Asian countries. I think it is a dramatic opportunity for growth.

Second, working with Europe, the potential free-trade agreement with Europe, there has been a lot of interest in Europe joining the United States and reducing barriers to trade. It is a great opportunity that we should take advantage of. Obviously, that raises another question, which is trade promotion authority. Next year Congress and I will work to get trade promotion authority passed so we can include these trade agreements and help American companies and, equally importantly, help American consumers because American consumers and American workers are, frankly, helped dramatically by properly negotiated trade agreements when it is in the best interests of the United States.

I thank the Presiding Officer for all she does too.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Madam President, I yield back the remainder of my time.

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

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

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

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

The yeas and nays were ordered.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the question is on passage of H.R. 6156.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. CONRAD) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD) would vote "aye."

Mr. KYL. 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 result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—92

Akaka	Ayotte	Baucus
Alexander	Barrasso	Begich

Bennet	Grassley	Moran
Bingaman	Hagan	Murkowski
Blumenthal	Harkin	Murray
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Nelson (FL)
Boxer	Hoeven	Paul
Brown (MA)	Hutchison	Portman
Brown (OH)	Inhofe	Pryor
Burr	Isakson	Reid
Cantwell	Johanns	Risch
Cardin	Johnson (SD)	Roberts
Carper	Johnson (WI)	Rubio
Casey	Kerry	Schumer
Chambliss	Klobuchar	Sessions
Coats	Kohl	Shaheen
Coburn	Kyl	Shelby
Cochran	Landrieu	Snowe
Collins	Lautenberg	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Lieberman	Toomey
Crapo	Lugar	Udall (CO)
DeMint	Manchin	Udall (NM)
Durbin	McCain	Vitter
Enzi	McCaskill	Warner
Feinstein	McConnell	Webb
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden
Graham	Mikulski	

NAYS—4

Levin	Sanders
Reed	Whitehouse

NOT VOTING—4

Conrad	Kirk
Inouye	Rockefeller

The bill (H.R. 6156) was passed.

#### ORDER OF BUSINESS

Mr. REID. Madam President, this morning Senator MCCONNELL came to the floor. He made a serious offer dealing with the debt ceiling—one of the most important issues facing this country. As I said, it is a serious offer. I have not personally read it. My staff looked at it, and it is important enough that I would like to have a vote on it this afternoon. I need to have a caucus and explain to my troops what this is all about. If we can work something out with Senator MCCONNELL, I would like to have a vote sometime this afternoon. I do need to have a caucus. We have another vote right now, and if my Republican colleagues think there is not a chance of having a vote this afternoon—I can only do it by unanimous consent. If someone is going to object to it, they should do it now and we will arrange another time to address this issue.

So the issue is that Senator MCCONNELL has made a proposal on how we handle the debt ceiling, and we have to get permission from my Republican colleagues as to whether we can have a vote on it this afternoon at a time that would be as convenient as possible. I don't think we need a lot of time to debate it. We have done that lots of times.

Mr. MCCAIN. Madam President, how about 1 p.m.?

Mr. REID. Madam President, I know there are airplanes that people want to leave in, but this is very important. This vote will end at about 1 p.m. I scheduled the caucus for 1:30 p.m. There is no reason we couldn't start the caucus at 1:05 p.m. We can move it up.

I need some direction from my Republican colleagues. So if I hear no one

yelling no, then we will go ahead and schedule this as soon as we can this afternoon, to vote.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I know there are those on my side who would also like to have a conference to talk about this. Could we have an indication as to the timeframe of the vote?

Mr. REID. Madam President, to my friend from Texas, the conference we will have won't take very long—half an hour, maybe 45 minutes. I am sure we could finish that by 1:45 p.m. or something like that, and we could have a vote.

#### EXECUTIVE SESSION—Continued

VOTE ON NOMINATION OF MARK E. WALKER

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mark E. Walker, of Florida, to be United States District Judge for the Northern District of Florida?

Mr. CARDIN. Madam President, 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 224 Ex.]

YEAS—94

Akaka	Feinstein	McCaskill
Alexander	Franken	McConnell
Ayotte	Gillibrand	Menendez
Barrasso	Graham	Merkley
Baucus	Grassley	Mikulski
Begich	Hagan	Moran
Bennet	Harkin	Murkowski
Bingaman	Hatch	Murray
Blumenthal	Heller	Nelson (NE)
Blunt	Hoeven	Nelson (FL)
Boozman	Hutchison	Paul
Boxer	Inhofe	Portman
Brown (MA)	Isakson	Pryor
Brown (OH)	Johanns	Reed
Cantwell	Johnson (SD)	Risch
Cardin	Johnson (WI)	Roberts
Carper	Kerry	Rubio
Casey	Klobuchar	Sanders
Chambliss	Kohl	Schumer
Coats	Kyl	Sessions
Coburn	Landrieu	Shaheen
Cochran	Lautenberg	Shelby
Collins	Leahy	Snowe
Coons	Lee	Stabenow
Corker	Levin	Tester
Cornyn	Lieberman	Thune
Crapo	Lugar	Toomey
Durbin	Manchin	Udall (CO)
Enzi	McCain	

Udall (NM)  
Vitter  
Warner

Webb  
Whitehouse  
Wicker

Wyden

#### NOT VOTING—6

Burr  
Conrad

DeMint  
Inouye

Kirk  
Rockefeller

The nomination was confirmed.

VOTE ON NOMINATION OF TERRANCE G. BERG

The PRESIDING OFFICER (Mrs. McCASKILL). The question is, Will the Senate advise and consent to the nomination of Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

#### UNANIMOUS CONSENT REQUEST— S. 3664

Mr. REID. Madam President, I now ask unanimous consent that at 1:30 p.m. today, the Senate proceed to the consideration of S. 3664, which is a bill regarding debt limit increases, the text of which is at the desk; that there be no amendments in order to the bill; that there be up to 10 minutes of debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the bill be read a third time and the Senate proceed to passage of S. 3664.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Madam President, reserving the right to object, what we are talking about is a perpetual debt ceiling grant, in effect, to the President. Matters of this level of controversy always require 60 votes. So I would ask my friend, the majority leader, if he would modify his consent request to set the threshold for this vote at 60?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, reserving the right to object, what we have is a case of Republicans in the Senate once again not taking "yes" for an answer.

This morning, the Republican leader asked consent to have a vote on his proposal. Just now I told everyone we are willing to have that vote, an up-or-down vote. But now the Republican leader objects to his own idea. So I guess we have a filibuster of his own bill. So I object.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. MCCONNELL. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

Mr. DURBIN. Madam President, what just transpired deserves a word. Senator MCCONNELL came to the floor this morning and offered a change in law that would help us avoid the kind of obstruction and the kind of showdowns that we have had in the past over the debt ceiling. In fact, the idea was not new. It was his original idea that has been the law of the land and followed. He offered and challenged Senator REID to bring this matter for consideration in the Senate.

Senator REID just agreed to it. He said he would bring this to a vote in 20 minutes, and we would decide, up or down, whether the debt ceiling problem would be resolved once and for all under Senator MCCONNELL's proposal. Then Senator MCCONNELL objected—objected—saying: No, no, we need 60 votes.

For those who do not follow the Senate, 60 votes is the equivalent of a filibuster vote—breaking a filibuster vote. So this may be a moment in Senate history when a Senator made a proposal and, when given an opportunity for a vote on that proposal, filibustered his own proposal. I think we have now reached a new spot in the history of the Senate we have never seen before.

I am going to ask the Parliamentarian to look into this. I do not think this has ever happened before. But it calls into question whether this was the kind of offer that one would consider to be good faith—if Senator REID offered a vote on it, and Senator MCCONNELL said, no, it has to be 60, it has to be a filibuster-proof vote.

Ms. STABENOW. Will my colleague, the distinguished assistant majority leader, yield for a question?

Mr. DURBIN. Yes.

Ms. STABENOW. Is it also correct, basically, if we had voted, we would have guaranteed we would not place the country again in a situation of defaulting on our bills; that we would send a message that we can work together—the fact that we were willing to accept the Republican leader's proposal and be willing to send a message that as a Senate we want to make sure we have fiscal stability, we are paying our bills, that this could be one step forward in making sure we can resolve the fiscal issues for the country? Isn't that the Senator's view of this as well; that, in fact, it would be an important message about stability?

I also have to say, I share the Senator's amazement that the leader would, in fact, object to his own proposal and now be filibustering his own proposal that we were willing to accept as a bipartisan, good-faith effort for the country. Didn't he just take us in a wrong direction?

Mr. DURBIN. Madam President, I say in response to the Senator from Michigan, the Senate Republican leader, Senator MCCONNELL, has such a strong appetite for the filibuster that we have seen 386 or 387 filibusters in the last 6 years, and now he has decided another

good idea is to propose a bill and then filibuster your own bill. I do believe that is history in the making. But that is why this appetite for the filibuster in the Senate has to change.

What an abuse, that we cannot have a majority vote on something the Republicans proposed and the Democrats were prepared to vote for. This would have been a true bipartisan measure, good news—maybe leading the news—across America. It really is unfortunate.

Mr. SCHUMER. Will the assistant majority leader yield?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. If my friend will yield, I have business here and then he will get the floor right back.

#### TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 554, S. 3637.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of Calendar No. 554 (S. 3637), a bill to temporarily extend the transaction account guarantee program, and for other purposes.

The PRESIDING OFFICER. The majority leader.

#### CLOTURE MOTION

Mr. REID. Madam President, 387 is on its way. I have a cloture motion at the desk.

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

The bill 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 motion to proceed to calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Richard Blumenthal, Mark Begich, Jon Tester, Max Baucus, Herb Kohl, Kay R. Hagan, Barbara A. Mikulski, Tim Johnson, Mary L. Landrieu, Kent Conrad, Jeanne Shaheen, Jeff Merkley, Daniel K. Akaka, Mark L. Pryor.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

#### THE DEBT CEILING

Mr. SCHUMER. Madam President, we saw what happened here—the minority leader filibustering his own bill. He should have trusted his first instincts. Imagine if we would have passed the minority leader's resolution: The markets would have been jubilant, stocks