

have happened here on the floor, where we have the authority already in rule XXII. But we have asked our two leaders to clarify and state and notify all of us how we are going to handle issues during this Congress. The way we are going to handle it when it comes to the talking filibuster is we are going to require Senators to be here to object. No more phone-in filibusters. We are going to require Senators to come down and state their objections, to come down and actually speak. If they have a problem with moving forward, they need to come and speak about it. If they want to start a filibuster, they should be here to speak on the floor. What is going to happen is the majority of Senators who want to see legislation get done may have to do a little work and be here late nights, but that is part of it. That is what we signed up for. It is like the Senator from Tennessee said a few moments ago. We all worked very hard to get here, and we came here to work for the country. If we are ever going to have a chance of resolving the big and difficult issues that face our Nation—issues such as our debt and deficit; issues such as the fiscal cliff; a whole set of issues including tax reform, entitlement reform—we can bet our last dollar those things are going to happen in the Senate. That is where things get done.

The fiscal cliff, with all due respect to the House, didn't happen in the House, it happened in the Senate. The minority leader and the Vice President worked it out. That is the way things have always gotten done, for the most part, in American history, and that is the way we need to allow things to get done in this Congress, because we have too many big issues to block everything that is coming through on the Senate floor.

Again, I wish to thank Senator LEVIN and Senator MCCAIN for leading this effort. They are great leaders. I thank Senator Kyl, Senator BARRASSO, Senator ALEXANDER. Participating in those meetings with my Republican colleagues was a great experience, to listen to them, listen to their concerns. I think it was an education for all the Democrats to have that quality time where we did listen and then they listened to us. I think that was very important. We need to do more of that around here. We will get a lot more done if we do.

Also, our Democratic colleagues, of course led by Senator LEVIN, Senator SCHUMER, and Senator CARDIN, everybody contributed, and I think it is something we should be proud of and it is also a great victory for bipartisanship. It is a great victory for bipartisanship. I think that is what the American people are screaming out for: for us to work together to get things done, and this is a good example of that.

EXTENSION OF MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the period of

morning business be extended until 7:15 p.m. today, and that all provisions of the previous order remain in effect.

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

The Senator from Georgia.

THANKING OUR COLLEAGUES

Mr. ISAKSON. Mr. President, as I walked to the Capitol, I had not intended to speak. But when I came in and started listening to Senator PRYOR and Senator LEVIN, and I listened earlier today to Senator MCCAIN and now Senator ALEXANDER, it made me want to come to the floor and thank them for the effort they have made to hopefully make us a better working body in the next 2 years than we would have been otherwise preceding this agreement.

When Senator ALEXANDER made the remarks about our predecessor, Richard Russell, and when he came home to Georgia after a rigorous debate, an arduous debate, that took place on civil rights, it made me recognize the appreciation and respect our predecessors had for the result of the debating process.

As I listened to Senator PRYOR, I had a flashback to 2 weeks ago when a number of us attended the movie "Lincoln." It was a screening of the movie downstairs, and Steven Spielberg was there. I thought about those great scenes in the movie "Lincoln" where the U.S. Congress debated slavery and whether we were going to abolish it. We came to a decision, we had a vote, we debated it, and the abolition of slavery took place, all because the Congress functioned, all because politicians took the issues to the floor. They challenged one another. They worked hard for what they thought was best for the country. I think tonight when we vote on the changes that will be adopted, we preserve the interests of the minority. We preserve the best heritage of this body. We put ourselves in a state where we will debate on the floor of the Senate and make decisions for the American people, and the result will be a better country and a better product by the U.S. Senate.

So I thank, Senator ALEXANDER, Senator PRYOR, Senator MCCAIN, wherever you might be, and Senator CARL LEVIN, for a job well done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to share a few comments on the votes that we are about to take. In particular, I am struck by the enormous amount of conversation over the last

few days over how we make this body, our beloved Senate, work more effectively in addressing the big issues facing America.

I think all of us have had the experience of our constituents back home recognizing that the last 2 years, and many years before, were ones that we had a particular growing element of paralysis that we had a responsibility to address. Tonight the Senate is going to be speaking in a bipartisan fashion and saying this cannot continue in the same way; that we need to take steps toward having a more functional Senate.

I don't think it will come as a surprise to anyone in this Chamber that I had hoped we would go a little further in addressing the silent filibuster that has been haunting us in these Halls. But here is the important thing. The important thing is that this Chamber is speaking tonight in a bipartisan voice, in a strong voice, saying we must take steps for this deliberation to work better. I think that message reverberates with the American people who are looking at the many challenges we face as a nation and who have been watching through the courtesy of C-SPAN and seeing that often, when they want us to be addressing these challenges, we are here in quorum calls.

A substantial amount of that can change, both with the modest steps we are taking tonight and, hopefully, in the collaboration between the two parties in the spirit of having a functioning legislature.

I want to thank a number of groups who have worked very hard to bring to us the importance of making change: the Communications Workers of America, the Sierra Club, the Alliance for Justice, the entire Fix the Senate Coalition, Daily Coast, Credo, the Progressive Campaign Committee, and the nearly half million Americans who have signed petitions to say: Please, Dear Senators, work hard on this. It matters. I think their voices were heard.

So I extend my appreciation to the leadership on both sides who have been working so hard to figure out these steps forward, to try to have a series of tools on the motion to proceed, to figure out how we can get more effectively to conference committee with the House, how we can cut down on the number of hours that are often wasted after a cloture vote on a nomination. So there is significant progress in a number of areas.

I certainly pledge to my majority leader and to my colleagues on both sides of the aisle to remain engaged in this conversation about the functioning of the Senate. I appreciate the work they have done. I appreciate the steps we are taking tonight. I also appreciate the spirit in which many folks are saying: Let's make these things work. We hope they work. And if they don't get us there, let's return to this conversation because we do have that

underlying responsibility to the citizens of the Nation to have a Senate that can act. In the words of the President just outside a few days ago, it is time to act. He called upon the Nation and he calls upon us, and we make significant steps in that direction tonight.

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about our efforts to change the Senate rules.

For the second time since I have been in the Senate, the constitutional option has been crucial. It has pushed this body to seriously look at changing the way we do business.

This week the majority leader and majority whip declared majority support for the constitutional option. As a result, the Republican leader has finally agreed to some Senate rule changes.

As I said more than 3 years ago when I first proposed the constitutional option, it is time for reform. There are many great traditions in this Chamber that should be protected and respected. But the paralyzing abuse of filibusters is not one of them.

Senators MERKLEY, HARKIN, and I introduced a package of reforms that is fair, that reins in the abuse, and that protects the voice of the minority.

While I believe our reform package is a much better way to restore debate and deliberation to the Senate, I appreciate the leadership's efforts to get a bipartisan agreement. To move forward to reform the filibuster and reduce Senate gridlock.

I have carefully considered the compromise proposal that Leaders REID and MCCONNELL have crafted. I don't believe their proposal does enough to reform the Senate, but it does show that there is consensus, that both sides of the aisle recognize that the Senate is broken, that we must have change.

The leaders' proposal is a step in the right direction. I am most concerned that it does not eliminate the fundamental cause of Senate dysfunction—the fact that any Member can halt Senate business without even showing up on the Senate floor. We shouldn't do away with the filibuster, but we should demand greater responsibility from senators who use it.

The majority leader and the Republican leader are telling us that they will make Senators who object or threaten filibusters come to the floor and actually debate, using the existing rules. The proof of this will be over the next 2 years. We will be watching.

I believe we could have achieved more substantive reform by using the constitutional option to amend the rules with a majority vote. I know several of my colleagues think this would set a dangerous precedent. I disagree.

I know that we may serve in the minority at some point in our Senate careers. Senators MERKLEY, HARKIN, and I have not proposed any rules changes that we are not willing to live with in the minority.

Senator HARKIN made his proposal when he was in the minority. I served in the minority in the House—which is a lot worse than the minority around here. So I don't think looking at our

rules and amending them by a majority vote at the beginning of a Congress is dangerous. On the contrary. It is a healthy exercise to make sure we can still function as a legislative body.

We started this effort over 3 years ago. We have made progress. But rules reform is not over. Our work is not complete. We should always seek to find ways to be a better institution. That is why I believe we should review and adopt our rules at the beginning of every Congress.

One of the resolutions today is a standing order—it applies for only this Congress. We will have an opportunity to revisit this in two years.

I want to close by saying this. Since the beginning of this process, my actions have been guided by the great respect I have for the institution of the United States Senate, my reverence for the many great men and women who have served here, and my sincere affection for my colleagues.

That remains true today. I want to thank my colleagues for their consideration of our proposals, for their willingness to listen, and for their friendship.

And I want to make clear to all those who have supported this effort—our work will continue. Our cause endures. History has made clear that substantial reform is more often than not the work of many Congresses, not just one.

I commit to doing all I can to ensure that the Senate is not a graveyard for good ideas, that it is once again the world's greatest deliberative body, and that we have a government that truly responds to the real needs of the American people.

Mr. GRASSLEY. Mr. President, we are facing major changes in how the Senate operates and even minor changes can have big consequences.

Since the Senator even from the smallest State represents hundreds of thousands of Americans, any change to how senators are able to represent their constituents' views is of great importance.

We have heard plenty of talk from the other side of the aisle about how the Senate's current dysfunction simply boils down to Republican abuse of the filibuster.

If you are a partisan Democrat and inclined to think the worst of Republicans, then that explanation may hold water for you.

On the other hand, those who are more fair minded will find themselves wondering if there isn't more to the story.

A fair analysis of what is wrong with the Senate must look at the situation from both sides.

From the Republican point of view, the main gripe with how the Senate has been operating recently is the inability of the minority party to offer amendments and receive a fair hearing for our ideas.

The Senate rules provide that any Senator may offer an amendment regardless of party affiliation.

The longstanding tradition of the Senate is that members of the minority party have an opportunity to offer

amendments for a vote by the Senate, even if those votes don't fit the agenda of the leadership of the majority party.

Of course, if those amendments don't receive a majority of votes in the Senate, they cannot be passed.

No one is arguing for some sort of right of a minority of senators to advance a minority agenda.

However, it is not uncommon for an idea that comes from the minority party to attract votes from the majority party, even enough to pass.

This can be inconvenient or even embarrassing to the leadership of the majority party.

Perhaps there is a Republican amendment that would reveal a split within the Democratic caucus.

Perhaps a Republican might offer an amendment that has broad public support and it would be hard for certain Democrats to explain to the people they represent why they voted against it.

What's wrong with taking tough votes and showing the American people where you stand?

Those who lecture us about majority rule can't have it both ways.

If an amendment gets the votes of 45 Republicans and 6 Democrats, that is a majority, but that is exactly the scenario the majority leader has been trying to avoid.

Minority amendments have routinely, systematically been blocked in recent years in the Senate.

The Majority Leader has consistently used a tactic called "filling the tree" where he offers blocker amendments that block any other senator from offering their own amendment unless he agrees to set his blocker amendments aside.

He is able to get in line first to put his blocker amendments in place because of a tradition that the Majority Leader has priority to be recognized by the presiding officer.

This doesn't appear anywhere in the Senate rules and it arguably contrary to the rules.

This so called filling the tree tactic used to be relatively rare, but it has become routine under this Democratic leadership.

So what are Republicans to do if they have amendments they want to offer?

We can ask the majority leader to allow us to set aside his blocker amendments so we can offer an amendment.

His response has been to ask us what amendments we want to offer, and he will only agree to set aside his blocker amendments if he approves of the particular Republican amendment.

If there are amendments that he doesn't like, he says "No."

Then, with amendments blocked, he makes a motion to bring debate to a close, or "cloture".

When cloture is invoked, it sets up a limited time before a final vote must take place.

By keeping amendments blocked while running out that clock, the majority leader can force a final vote on a bill without having to consider any amendments.

Naturally, under these circumstances, members of the minority party who wish to offer amendments will vote against the motion to end debate and force a final vote until they have had an opportunity to have their amendments considered.

However, when Republicans vote against the majority leader's motion to end debate, we are accused of "launching a filibuster".

Many Americans may be surprised to learn that the Senate rules do not define what constitutes a filibuster.

The Merriam-Webster Dictionary defines a filibuster as "the use of extreme dilatory tactics in an attempt to delay or prevent action especially in a legislative assembly."

The fact is, a filibuster can refer to any procedure perceived as dilatory, which is in the eye of the beholder.

In the case I have described, if Republicans refuse to go along with the majority leader's attempt to deny Senators the right to offer amendments, is that an extreme dilatory tactic?

I would say it is a logical response to an assault on our rights.

Republicans can't be expected to vote for the majority leader's motion to end consideration of a bill before we have had a chance to offer any amendments.

That brings us to the so called "talking filibuster" proposal that has been mentioned so much on the Senate floor.

Some have proposed that Senators be required to talk non-stop on the Senate floor or a final vote can be forced, even if there have been no amendments allowed.

In other words, when the majority leader has amendments blocked, if Republicans want to defend their basic right to offer amendments, they would have to go to the floor and debate non-stop.

That doesn't make any sense.

What does non-stop debate have to do with giving up your right to offer amendments?

Here is where advocates of the so called "talking filibuster" confuse the issue.

As I mentioned, a filibuster can refer to any tactic perceived as dilatory, but when most Americans think of the filibuster, they think of Jimmy Stewart in the classic film *Mr. Smith Goes to Washington* standing and talking without stopping for an extended period of time to delay proceedings and make a point. It just makes sense that if you want to engage in this type of filibuster, you should have to actually speak.

Some Senators would have us believe that somewhere along the line the filibuster was mysteriously transformed so Senators no longer had to talk on the floor of the Senate, but that is not the case.

The filibuster itself hasn't changed, just what we call a filibuster.

When Democrats complain about Republican filibusters, they aren't talking about Mr. Smith Goes to Washington filibusters.

They are talking about Republicans refusing to vote for the majority leader's motion to end consideration of bills without the opportunity for amendments.

Again, the rules and traditions of the Senate dictate that Senators have a right to offer amendment.

What justification can there be for forcing Senators to speak for hours on the floor or lose the right to offer amendments?

That would just encourage the majority leader to block amendments even more and use this new tool to jam legislation through the Senate without considering alternative views. Such a situation would only make the underlying problem worse.

This isn't just Republicans saying this.

Listen to what the New York Times said: "The use of filibusters has risen since the 1970s, especially when Republicans have been in the Senate minority. But the most recent spike of Republican filibusters has coincided with the Democrats' unprecedented moves to limit amendments on the Senate floor."

The current majority has moved to cut off debate and amendments on a measure other than the motion to proceed over 100 times.

This doesn't even tell the whole story because much of the time, the Senate Majority Leader doesn't have to actually use his amendment blocking tactic.

He simply informs Republicans that he will block amendments, or refuses to commit to allow Republican amendments before making the motion to consider a bill.

Republicans can hardly be expected to vote in favor of taking up a bill under these conditions.

I should point out that it isn't just members of the minority party who have been affected by the blocking of amendments.

There have been far fewer opportunities for Democrat Senators to offer amendments in recent years than used to be the case.

Not all Democrats will agree with every aspect of a bill brought before the Senate by their own leadership.

Rank and file Democrats might also have ideas to improve a bill that had not yet been considered before being taken up by the Senate.

Those who claim to want to fix the dysfunction of the Senate but who focus only on the alleged dilatory tactics by the minority party and ignore the heavy handed tactics by the current majority party are at best only addressing half the problem.

Moreover, to the extent any change to the Senate rules strengthens the ability of the majority to steamroll the

minority, partisanship will only get worse.

The rules of the Senate, which protect the rights of the minority, force the majority to work with the minority if they want to get things done.

As a result, the Senate has historically been a more bipartisan place than the House.

That is a positive feature of the Senate that we should not discard lightly.

The role the Senate was intended to play by our Founding Fathers is clear.

I have described before how the Senate, with its longer staggered terms and other features, was specifically structured to act as a check on the passions of temporary majorities as represented in the House of Representatives.

I won't go into detail on that subject again because it is already in the CONGRESSIONAL RECORD, but I quoted James Madison, the Father of the Constitution, at length.

I have heard some select quotes from the Federalist Papers also used by some on the other side to argue that the Framers of the Constitution actually favored a more strictly majoritarian system.

One common quote is from Federalist 58, which discusses how only a simple majority is required for a quorum in the House of Representatives. Madison explains that this is to prevent a situation where a minority of Members can halt action by walking out, as happened with Democrat State legislators during the redistricting fight in 2003 and more recently in Wisconsin during the debate about collective bargaining for public employees.

In context, I see nothing that would contradict the expressed concerns elsewhere in the Federalist Papers about tyranny of the majority.

I have also heard a reference to Federalist 75, which ironically discusses the supermajority requirement in the Constitution for ratifying treaties.

The discussion is about whether the supermajority ought to be two-thirds of Senators present or two-thirds voting, not whether there ought to be a supermajority requirement.

We can never know what the Framers would have thought of the cloture rule as it currently exists.

However, we know that the Senate was specifically intended to prevent the majority from steamrolling the minority.

The fact is, our Constitution is a compromise between a purely majoritarian system where the rights of the minority are threatened by what Madison called the "superior force of an interested and overbearing majority" and the system under the Articles of Confederation where nothing could be done unless it was practically unanimous.

Our goal should be to return to the tradition of the Senate as a deliberative body where all Senators have an opportunity to put forward proposals, and the Senate can work its collective will.

Any reform of the Senate rules must balance the interests of the majority with the rights of the minority, not tip the balance toward one or the other.

If we fail to strike that balance, partisanship will only get worse.

That is easier said than done.

I know several Senators put forward proposals that they think are fair and will fix the Senate.

However, it takes more than assurances that you are willing to live under the rules you are prepared to impose should you find yourself in the minority.

You can't say that for sure until you are in that position.

Any serious attempt at a fair approach to the Senate's problems must involve engaging members of the other party and addressing their legitimate concerns.

That means that any reform of the Senate rules must restore a full and open amendment process where individual senators of any party can offer amendments.

Does the deal before us meet that test?

I am not sure.

The deal the two leaders have struck does include a guarantee of two amendments for the minority party, presumably picked by the minority leader.

That at least acknowledges the legitimate concerns on my side of the aisle about the blocking of amendments.

Two amendments is better than none, which is what we have had in practice.

It is also better than a unilateral rules changes imposed by the majority on an unwilling minority.

However, I have described how the right to offer amendments is a fundamental right of individual Senators representing their respective States.

There are 45 Republicans in the Senate, not 2.

It is also true that rank and file Democrats have plenty of proposals they have a right to put forward.

They shouldn't have to ask their leader's permission to do so any more than Republicans should.

Perhaps knowing that he will have to deal with two Republican amendments, the majority leader will decide to allow more bills to be considered under an open amendment process the way they should be. I hope so.

However, it is also possible that the majority leader will decide that there is no reason to ever go back to the traditional open amendment process now that we have this new process that only guarantees two amendments.

Two amendments could become the new ceiling rather than the floor.

If that is the case, we will have made the Senate more partisan and more dysfunctional.

It remains to be seen these changes will work in practice and I will be watching closely.

Mr. LEAHY. Mr. President, during my 38 years in the Senate, I have

served with Democratic majorities and Republican majorities, during Republican administrations and Democratic ones. Whether in the majority or the minority, whether the chairman or ranking member of a committee, I have always stood for the protection of the rights of the minority. Even when the minority has voted differently than I have or opposed what I have supported, I have defended their rights and held to my belief that the best traditions of the Senate would win out and that the 100 of us who stand in the shoes of over 300 million Americans would do the right thing.

Yet over the last 4 years, Senate Republicans have come dangerously close to changing something central to the character of the Senate and threatening its ability to do its work for the American people.

As a caucus, instead of trying to work with us on efforts to help the American people at a time of economic challenges, Senate Republicans have engaged in an across-the-board procedural barricade. On issue after issue, from the DISCLOSE Act to efforts to curb massive subsidies for big oil companies, from the American Jobs Act to the Paycheck Fairness Act, from legislation to help small businesses to providing support for our veterans, Senate Republicans have relied on the unprecedented use of the filibuster to thwart the majority from making progress. They have long since crossed the line from use of the Senate rules to abuse of the rules, exploiting them to undermine our ability to solve national problems.

Filibusters that were once used rarely have now become a common occurrence, with Senate Republicans raising procedural barriers to even considering legislation or voting on the kinds of noncontroversial nominations the Senate once confirmed regularly and quickly by unanimous consent. The leader has been required to file cloture just to ensure that the Senate makes any progress at all to address our national and economic security, and a supermajority of the Senate is now needed even to force a vote on mundane issues.

That is not how the Senate should work or has worked. The Senate is built on a tradition of comity, with rules that only function based on the kind of consent commonly and traditionally given. The rules are not built to aid and abet Senators using across-the-board filibusters and obstruction at every turn. The Senate does not function if an entire caucus takes every opportunity to use obscure procedural loopholes to stand in the way of a vote because they might disagree with the result. Without serious steps to curtail these abuses, the approach taken the last four years by Senate Republicans risks turning the rules of the Senate into a farce and calls into question the ability of the Senate to perform its constitutional functions.

In an earlier period of Senate history, when the filibuster was widely re-

garded as having become too great an obstacle for long-overdue reforms—for which there was a wide and general national consensus—I had the honor of playing a small part as a freshman senator during Senator Walter Mondale's heroic and successful efforts to lower the cloture bar from 67 votes to 60 votes. Then, as now, reform came through arduous, bipartisan negotiation.

I am hopeful that the agreement reached today by the majority leader and the Republican leader represents that kind of serious step toward restoring the tradition of the Senate and its ability to work for the American people. I am hopeful that the Republican Senators who join today with Senate Democrats follow through on the commitment they are making to curtail the abuse of Senate rules and practices that have marked the last four years.

The progress we are making today is a credit to Senator MERKLEY, Senator UDALL, Senator HARKIN, and others whose efforts to reform the Senate rules are justified by the abuses we have seen. The diligence and energy of these reformers provided the impetus for the agreement reached today by the majority leader and the Republican leader. In my view the agreement does not go far enough to address abuses, and I wish it included more of the commonsense proposals put forward by the reformers to make the Senate run more efficiently. As I did at the beginning of the last Congress, I support their proposals to put the burden of maintaining a filibuster on those seeking to obstruct the Senate, rather than on those seeking to overcome the obstruction. However, I am willing to accept today's agreement as a meaningful compromise with concessions by both sides that will have the support of senators from both parties, rather than the support of only one party. I will support it because it can be adopted by a supermajority vote instead of the kind of extended and damaging floor fight over the rules that would undermine any progress we hope to make. With so many urgent issues to tackle for the American people, we cannot risk giving opponents of progress another excuse for inaction.

I am encouraged by the verbal agreement between the majority leader and the Republican leader to change the practices of how the Senate handles filibusters. Under this agreement, the bill managers and leadership would call on Senators who are threatening a filibuster to come to the floor, which will properly put the burden of a filibuster on those seeking to obstruct, rather than those seeking to make progress. The leaders will also press that postcloture debate time be used for debate and will bring votes to produce a quorum to avoid delay. These commonsense steps will help build on today's rules changes to help curtail the abuses we have seen and restore the Senate's ability to work for the American people.

I also believe the Standing Order that is part of today's agreement will give the majority leader new tools for overcoming the wholesale Republican obstruction of President Obama's judicial nominations. As chairman of the Judiciary Committee, I have been especially concerned about the damage being done by Republican obstruction to the Senate's unique responsibility for ensuring that the judicial branch has the judges it needs to do its job. Over the last 4 years, Senate Republicans have abandoned this constitutional responsibility, using unprecedented filibusters to delay and obstruct President Obama from appointing to the Federal bench even judicial nominations that have bipartisan support. As a result of this brand of Republican obstruction, we begin President Obama's second term with the Judiciary nearly 20 percent below where it needs to be in terms of judges, and a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people.

Senate Republicans have already forced the majority leader to file cloture on 30 of President Obama's judicial nominations, almost all of which were noncontroversial and were ultimately confirmed overwhelmingly. Yet the Senate rules give the minority the ability to demand 30 hours of floor time even after a supermajority of the Senate has voted to end the filibuster of a judicial nomination. This extended debate time is meant to give the Senate a chance to consider amendments that are germane to a bill so it serves no purpose for judicial nominations. Rather, it has been used by Senate Republicans as a threat to obstruct the Senate for days just to get to a vote on each of these noncontroversial nominations. Such an approach has made it easier for a silent minority of Senate Republicans to make the costs too high for the majority leader to push for votes on nominees and has led directly to the unnecessary and damaging backlog of judicial nominations we have seen for years on the Senate calendar.

The agreement reached today has a good chance of curtailing this type of abuse of the rules in this Congress by reducing this extended debate time after the end of a filibuster on district court nominations from 30 hours to two hours. I believe this change will increase the ability of the majority leader to push for votes on district court nominations, where the threat by Senate Republicans of extended debate time has been particularly damaging.

Federal district court judges hear cases from litigants across the country and handle the vast majority of the caseload of the Federal courts. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best and have been confirmed promptly with that support.

Never before in the 38 years I have been in the Senate have I seen anything like what has happened in the last 4 years, when we have seen district court nominees blocked for months and opposed for no good reason. Senate Republicans have politicized even these traditionally non-partisan positions, needlessly stalling them for months with no explanation.

Until 2009, Senators deferred to the President and to home State Senators on district court nominees. During the 8 years that George W. Bush served as President, only five of his district court nominees received any opposition on the floor. In just 4 years, Senate Republicans have voted against 39 of President Obama's district court nominees, and the majority leader has been forced to file cloture on 20 of them, with many more left to linger month after month without a vote on the Senate calendar due to the threat by Republicans to require half a legislative week or more just to confirm one of them. As a result, it has taken the Senate more than three times as long to vote on President Obama's district court nominees as it did to vote on President Bush's.

The agreement reached today will blunt the ability of Senate Republicans to block important legislation and district court nominations without accountability merely by the threat of burning so much Senate time. I wish that the proposal also applied to Federal circuit court or Supreme Court nominations, where the extended postcloture debate time also serves no purpose. But the progress I believe we will make as a result of this bipartisan compromise is a good first step towards helping us reduce the extended backlog of judicial nominations created by Republican obstruction and should result in more judges serving the American people.

There is no question that the reforms sought by many Democratic Senators are justified by the extended and unprecedented abuse of the Senate rules and practices by Senate Republicans that began when President Obama took office. However, I hope that by reaching this bipartisan agreement we build a foundation for restoring the Senate's ability to fulfill its constitutional duties and do its work for the American people. Now the burden is on Senate Republicans to work with us rather than hide behind an abuse of the rules to block progress.

The American people want Congress to be able to solve national problems like disaster relief, comprehensive immigration reform, and the reauthorization of the Violence Against Women Act. They want us to work together on commonsense solutions to reduce gun violence and to ensure that all Americans have access to a working Federal court system. I hope that today's bipartisan compromise holds the promise of getting more done to help the American people. I look forward to working with those on both sides of the aisle in the coming months.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of the following resolutions en bloc: S. Res. 5, Harkin; S. Res. 15, a resolution providing a standing order to improve procedures for the consideration of legislation and nominations in the Senate; and S. Res. 16, a resolution amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Further, Mr. President, that the time until 7:55 p.m. be equally divided between the two leaders or their designees for the purpose of debating these resolutions concurrently; that the only amendment in order to any of the resolutions is a Lee amendment to S. Res. 15, that upon use or yielding back of time, the Senate proceed to vote in relation to S. Res. 5; that upon disposition of S. Res. 5, the Senate vote in relation to the Lee amendment to S. Res. 15; that upon disposition of the Lee amendment, the Senate proceed to vote in relation to S. Res. 15, as amended, if amended, and S. Res. 16, in that order with no intervening action of debate; that S. Res. 15 be subject to a 60-vote threshold for adoption; further, that S. Res. 16 be subject to a threshold of two-thirds of those voting for adoption; that there be no other amendments, motions, or points of order in order to any of these resolutions prior to the votes in relation to the resolutions; finally, none of the resolutions be divisible.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

A resolution (S. Res. 15) providing a Standing Order to improve procedures for the consideration of legislation and nominations in the Senate.

A resolution (S. Res. 16) amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I yield the time on this side to the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. LEE. Mr. President, in just a moment I will be offering an amendment to S. Res. 15. The purpose of this amendment is to protect this institution as the world's greatest deliberative legislative body. The hallmark characteristics of this body that make it distinct, that make it both great and