

transferred people in the past—and guess what, they couldn't keep them secure and they got back in the fight against us and our allies. Third, to prohibit transfer to countries that have not honored prior commitments when we have transferred a Gitmo detainee there, and that would apply to the country the President most recently released the five Taliban dream team to who, unfortunately, are going to get back in the fight, and that 29 percent are those who have reengaged in the fight or are suspected of reengaging in the fight against us.

Our amendment is straightforward. It is focused on making sure the terrorists held at Guantanamo—the most dangerous of those individuals who present a threat to our country—are not put in a position where they can get back in the fight against us or against our allies.

We have to think about the men and women in uniform who have put their lives on the line to capture these individuals, in some instances, and honor our commitment to them to make sure we can hold the country safe and secure, to not allow those who have been deemed the most dangerous at Guantanamo for continued law of war detention to be transferred to a third-party country or not allow us to transfer them to countries where we already have a history of either detainees getting back in the fight from that country or the country not honoring its commitment to the United States of America.

My prior job was as a prosecutor. I will tell you, it is just a matter of common sense. This is a matter of protecting the American people from dangerous captured terrorists who we already have in our custody, to make sure we are not putting them back in a position where they can harm us again.

I think that is something that America would expect of us. That is what I believe our amendment would do. I hope, as we take up this appropriations bill, this amendment will be considered so we can pass it to ensure that dangerous Guantanamo detainees are not put in a position again where they can harm us, our people or our allies because too many of them, unfortunately, have already committed acts against our country, our people, and our allies, and shame on us if we do not do everything we can to prevent that from happening again.

I thank the Chair.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF GUSTAVO VELASQUEZ AGUILAR TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

NOMINATION OF BRIAN A. NICHOLS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU

NOMINATION OF J. MARK MCWATTERS TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD

NOMINATION OF CHRISTINE E. WORMUTH TO BE UNDER SECRETARY OF DEFENSE FOR POLICY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Gustavo Velasquez Aguilar, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development; Brian A. Nichols, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru; J. Mark McWatters, of Texas, to be a Member of the National Credit Union Administration Board; and Christine E. Wormuth, of Virginia, to be Under Secretary of Defense for Policy.

VOTE ON AGUILAR NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gustavo Velasquez Aguilar, of the District of Columbia, to be an Assistant Secretary of Housing and Urban Development?

Ms. AYOTTE. Mr. 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 legislative clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr.

COCHRAN), the Senator from Nebraska (Mr. JOHANNIS), the Senator from Kansas (Mr. MORAN), and the Senator from South Dakota (Mr. THUNE).

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

The result was announced—yeas 54, nays 38, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—54

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

NAYS—38

Alexander	Fischer	Murkowski
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	McCain	Wicker
Enzi	McConnell	

NOT VOTING—8

Burr	Johanns	Schatz
Coburn	Moran	Thune
Cochran	Rockefeller	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—CALENDAR NO. 428, H. R. 4660

Mr. REID. Mr. President, I ask unanimous consent that postcloture time on the motion to proceed be considered expired; that the Senate proceed to vote on adoption of the motion to proceed; that if the motion is agreed to, Senator MIKULSKI or her designee be recognized to offer substitute amendment No. 3244, which consists of the text of S. 2437, Calendar No. 411, division A; the text of S. 2438, Calendar No. 412, as division B; and the text of S. 2389, Calendar No. 390, as division C; provided further that for the consideration of division B, H. R. 4745, Calendar No. 430, and for the consideration of division C, H. R. 4800, as reported by the House Committee on Appropriations, be deemed House-passed text in H. R. 4660 for purposes of rule XVI; further, that the substitute amendment offered by Senator MIKULSKI or her designee be considered a committee amendment for the purposes of paragraph 1 of rule XVI; further, all amendments or motions to commit be subject to a 60-vote threshold.

Mr. President, before the Presiding Officer calls for approval of this consent, let me say a few words so everyone understands all of the procedural stuff.

It is a fairly simple matter. We have waited all week to get a simple agreement to move forward on appropriations bills the way we have always done. If it had been just one appropriations bill we wouldn't need consent. We put three of them together, and that was the right thing to do. But it seems to me we spent all week doing, so much of the time, nothing. Sadly, I am sorry this is the norm around here. For every single matter, even wildly popular matters such as an appropriations bill, it requires the full play of the cloture rule to advance. This has been so even though on Tuesday, when cloture was invoked on proceeding, 95 Senators voted to get on the bill, only 3 voted against it.

Senators on both sides said they want to have amendments, and we should have amendment votes. I am willing to have amendment votes on this and other things. Let's talk about this today.

I want to have votes on the conditions that Senator MCCONNELL has so frequently stated, a 60-vote threshold. The idea of a 60-vote threshold will not come as a surprise to anyone in this Chamber, I don't think, because I wish to take a minute outlining direct quotes from my friend the Republican leader.

No. 1: Now, look, we know that on controversial matters in the Senate, it has for quite some time required 60 votes.

No. 2: Requiring 60 votes, particularly on matters of importance, is not at all unusual. It is the way the Senate operates.

No. 3: Matters of this level of controversy require 60 votes, so I will ask my friend [referring to me] if he would modify his consent request to set the threshold for this vote at 60.

Again he said: For him to suggest that a matter of this magnitude in a body of 60 votes for almost everything is going to be done with 51 votes makes no sense at all.

And he said: So it is not at all unusual that the President's proposal of this consequence would have to achieve 60 votes. That is the way virtually all business is done in the Senate, certainly not extraordinarily unusual.

Finally he said, quite recently: Mr. President, I can only quote my good friend [again referring to me] who repeatedly has said—most recently that in the Senate, as has been the case, we need 60 votes. It requires 60 votes, certainly on measures that are controversial.

So let's make this pretty simple. We are going to have the ability to offer germane amendments, and we will follow the McConnell rule and will have 60 votes on them. It seems fair.

That is my consent request, and I would ask that it be approved.

The PRESIDING OFFICER. Is there objection to the request?

The Republican leader.

Mr. MCCONNELL. Reserving the right to object, what I think I hear the

majority leader saying is that any amendment offered by any Republican is controversial and thus must require 60 votes.

It was my hope we could get forward on this appropriations bill with a full and open amendment process and a reasonable number of amendments from both sides.

The only restrictions on amendments to this bill are those in the Standing Rules of the Senate, which create a requirement that the amendments deal with an appropriations matter or, if legislative in nature, have a defense of germaneness to one of the underlying House appropriations bills.

Chairman MIKULSKI has been determined to try to get us back to regular order in considering appropriations bills.

In 2011, just a couple of years ago, we considered this same appropriations package—the very one we are considering now under the regular order—and all Senators, Democrat and Republican, were treated fairly—just 3 years ago.

Today's Senate is a totally different place. The majority leader has blocked all but nine rollcall votes on Republican amendments since July of last year. That is about a year ago.

By contrast, during that same period, House Democrats got 153 amendments, rollcall votes, over that same period of time. That is in the House where you would think it would be hard for the minority to get amendments.

In fact, one Member of Congress, SHEILA JACKSON LEE from Houston, has had 15 amendments herself. SHEILA JACKSON LEE has had more votes over the past year than Senate Republicans. In fact, the House seems to have turned into the Senate and the Senate seems to have turned into the House.

The gag rule, as was pointed out by Senator ALEXANDER and others this morning in an appropriations meeting, seems to now apply to committee meetings as well. So not only do we not get votes on the floor, we don't get votes in committee either.

They cancelled the scheduled markup on the Energy and Water bill, I assume out of concern that some Republican amendment might, my goodness, actually pass with Democratic support. So we are being shut out of amendments in committee as well as on the floor.

When do we start legislating again? What has happened to the Senate?

Therefore, I would ask unanimous consent that the proposed agreement by the majority leader be modified so that all amendments be considered under the regular order, Chairman MIKULSKI and Ranking Member SHELBY, and move this bill across the floor in a bipartisan manner exactly as we did it on the very same bill back in 2011.

The PRESIDING OFFICER. Does the majority leader so modify his request?

Mr. REID. Reserving the right to object, my friend the Republican leader is obviously not in contact with what is going on around here. This doesn't

apply to Republican amendments, it applies to Republican or Democratic amendments—as all of his requests, which are in the record and I read.

A reasonable number of amendments he wants. Fine. That is what we want too. We want to have a reasonable number of amendments on this bill and move it forward. It is important we get this done.

I have served in the House of Representatives—not without going into a lot of detail here, as the Presiding Officer has served in the House of Representatives. The rules there are totally different. Of course, there are a lot of votes because every vote is predetermined in the House, with rare exception, because the Rules Committee sets the boundaries of what happens. So over in the House the majority never loses.

Here the Senate is the way it is. We are willing to do votes as the Republican leader has stated time and time again we should do it. I disagree, but as he has said, this is the way the Senate operates now. I wish it didn't, but it does and that is the way we should proceed.

I am willing to move forward on this bill. We should have a 60-vote threshold, and I think that would be the appropriate thing to do.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. My friend the majority leader always reminds me he gets the last word, and I am sure he will have something to say further, but let me briefly say that during this same period, going back to last July, Senate Democrats have only had seven rollcall votes. Congresswoman SHEILA JACKSON LEE, in the minority in the House, has had 15 rollcall votes over the last year.

I yield the floor.

Mr. REID. The House is different than the Senate. There is no question about that. We could have on this bill a lot more than seven votes, so we should do that.

Would the Chair state the business that is before this body?

VOTE ON NICHOLS NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Brian A. Nichols, of