person from building; the ability to protect the land your kids play on, the water they drink, the air they breathe, and the privacy of your family in your own home.

Remember, many of my colleagues say there is no such thing as a right to privacy in any iteration under the Constitution of the United States of America. Fortunately, we have had a majority of judges who disagreed with that over the past 70 years. But hang on, folks. The fight over judges, at bottom, is not about abortion and not about God, it is about giving greater power to the already powerful. The fight is about maintaining our civil rights protections, about workplace safety and worker protections, about effective oversight of financial markets, and protecting against insider trading. It is about Social Security. What is really at stake in this debate is, point blank, the shape of our constitutional system for the next generation.

The nuclear option is a twofer. It excises, friends, our courts and, at the same time, emasculates the Senate. Put simply, the nuclear option would transform the Senate from the so-called cooling saucer our Founding Fathers talked about to cool the passions of the day to a pure majoritarian body like a Parliament. We have heard a lot in recent weeks about the rights of the majority and obstructionism. But the Senate is not meant to be a place of pure majoritarianism.

Is majority rule what you really want? Do my Republican colleagues really want majority rule in this Senate? Let me remind you, 44 of us Democrats represent 161 million people. One hundred sixty-one million Americans voted for these 44 Democrats. Do you know how many Americans voted for the 55 of you? One hundred thirty-one million. If this were about pure majorities, my party represents more people in America than the Republican Party does. But that is not what it is about. Wyoming, the home State of the Vice President, the President of this body, gets one Senator for every 246,000 citizens; California, gets one Senator for 17 million Americans. More Americans voted for Vice President Gore than they did Governor Bush. By majoritarian logic, Vice President Gore won the election.

Republicans control the Senate, and they have decided they are going to change the rule. At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation. That is why the Founders put unlimited debate in. When you have to—and I have never conducted a filibuster—but if I did, the purpose would be that you have to deal with me as one Senator. It does not mean I get my way. It means you may have to compromise. You may have to see my side of the argument. That is what it is about, engendering compromise and moderation.

Ladies and gentlemen, the nuclear option extinguishes the power of Independents and moderates in this Senate. That is it. They are done. Moderates are important only if you need to get 60 votes to satisfy cloture. They are much less important if you need only 50 votes. I understand the frustration of our Republican colleagues. I have been here 32 years, most of the time in the majority. Whenever you are in the majority, it is frustrating to see the other side block a bill or a nominee you support. I have walked in your shoes, and I get it.

I get it so much that what brought me to the Senate was the fight for civil rights. My State, to its great shame, was segregated by law, was a slave State. I came here to fight it. But even I understood, with all the passion I felt as a 29-year-old kid running for the Senate, the purpose—the purpose—of extended debate. Getting rid of the filibuster has long-term consequences. If there is one thing I have learned in my years here, once you change the rules and surrender the Senate's institutional power, you never get it back. And we are about to break the rules to change the rules.

I do not want to hear about ''fair play'' from my friends. Under our rules, you are required to get ⅔ of the votes to change the rules. Watch what happens when the majority leader stands up and says to the Vice President—if we go forward with this—he calls the question. One of us, I expect our leader, on the Democratic side will stand up and say: Parliamentary inquiry, Mr. President. Is this parliamentarily appropriate? In every other case since I have been here, for 32 years, the Presiding Officer leans down to the Parliamentarian and says: What is the rule, Mr. Parliamentarian? The Parliamentarian turns and tells them.

Hold your breath, Parliamentarian. He is not going to look to you because he knows what you would say. He would say: This is not parliamentarily appropriate. You cannot change the Senate rules by a pure majority vote.

So if any of you think I am exaggerating, watch on television, watch when this happens, and watch the Vice President ignore—he is not required to look to an unelected officer, but that has been the practice for 218 years. He will not look down and say: What is the ruling? He will make the ruling, which is a lie, a lie about the rule.

Isn't what is really going on here that the majority does not want to hear what others have to say, even if it is the truth? Senator Moynihan, my good friend who I served with for years, said: You are entitled to your own opinion but not your own facts.

The nuclear option abandons America's sense of fair play. It is the one thing this country stands for: Not tilting the playing field on the side of those who control and own the field.

I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing. But I am afraid you will teach my new colleagues the wrong lessons.

We are the only Senate in the Senate as temporary custodians of the Senate. The Senate will go on. Mark my words, history will judge this Republican majority harshly, if it makes this catastrophic move.

Ms. ERNST. I yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Democratic whip.

Mr. DURBIN. I ask unanimous consent that I be recognized for up to 15 minutes and Senators PADILLA and CANTWELL for up to 5 minutes each prior to the scheduled vote.

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

VOTING RIGHTS ACT

Mr. DURBIN. Madam President, there are several issues swirling around the Senate at this moment. They relate to the voting rights of Americans. They relate to the voting rights of Senators—interesting that they would both be on parallel tracks as we debate them on the floor. It appears that the voting rights of Americans is witnessing a historic shift. You see, my Democratic Party, and yours, in history has a spotty record when it comes to voting rights. In fact, Southern States—then in the thrall of the Democratic Party—wrote a terrible record after the Civil War.

We released African Americans from slavery, guaranteed them the right to vote, and then watched what happened. There was jubilation all over the country, I believe, for the most part, and there was jubilation in the southern States by African Americans who had newfound freedoms they never dreamed of with the end of slavery. And they took them to heart. They did register to vote.

And there were dramatic differences in many States because in many States the slave population, the African-American population, was much larger than any voting had ever reflected, and now they had the chance. And as they were elected to local offices and even congressional seats and even a senatorial seat, there was a backlash from the White population.

This period of Reconstruction after the Civil War lapsed into a period of denial of the right to vote and elaborate plans by Whites—White Democrats, I might add—in southern States to manufacture obstacles to the voting of African Americans—poll taxes, for example, literacy tests, things that had little or nothing to do with citizenship but were designed expressly to jeopardize the voting opportunities for those without advanced educations or the kind of clout necessary to overcome.

And so the net result was the South went White again in terms of its political leadership. It was known as Jim Crow. And the Democratic Party of that day was behind it. The opposition came from Abraham Lincoln's party, the Republican Party. They were the ones for abolition of slavery. They were the ones who supported Reconstruction. They were the ones, by and large, who sent the Federal troops in to enforce equality in the South. But, ultimately, sadly, as a result of a brokered Presidential election, there was a concession made that gave to the Democrat Party-controlled South States' rights to determine voting standards. And that was the situation that applied in the United States from that period of time in the mid-19th century, until the 1960s, when this issue was debated anew, right here in Washington, right here in this Chamber.

And those who opposed striking down the Jim Crow laws, those who opposed efforts to deny to African Americans the right to vote, asserted one abiding principle: States rights. The States should be allowed to make this decision. It didn't go very far. It took a lot of years of debate, I might add, I don't want to oversimplify it.

But anyone who took the time to read this book, the Constitution of the United States, understands it is explicit. It doesn't take long to read the sections that are applying.

Listen to this and think in your mind whether there is any question who has the authority to determine the rules of Federal elections. And I read: ''Article I, section 4—The Times, Places, and

Manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.''

The 15th Amendment went further on the issue of race, and the net result of it was the passage of some laws in the 1960s, the Voting Rights Act, and the establishment of standards to open up opportunities to vote in the South for people of color.

It took that long from the late 19th century to the 1960s before that issue was addressed effectively. But for the longest time, it became a consensus issue. Republicans were as supportive of this as Democrats. In fact, proportionally, they were more supportive. The Republican Party—the party of Abraham Lincoln—rejected the theory of States rights and said there will be Federal standards that are created and will be enforced on a bipartisan basis by Presidents of both parties.

It was an amazing evolution in America, considering what we had been through, a civil war and all that followed, to have reached the point where we said that the Federal Government could review decisions made by States if they, in any way, discriminate on a racial basis or any other basis in terms of ethnic identity.

That was so popular and so bipartisan that for years the renewal of that law was automatic. There was hardly a dissenting vote. Boy, have times changed. They have changed to the point where the Democratic Party is now supportive of the Voting Rights Act and what it sought to achieve. And the party of Abraham Lincoln, the Republican Party, comes to the floor every day and argues States rights.

Yes, we are back into that mode again, but the argument is coming from the Republican side of the aisle. The tables have turned. The Democratic Party of the South is a different party today, thank goodness, and a party that stands for the principle that people are entitled to the right to vote.

So we staged a national election in 2020. In light of the pandemic that was looming over this Nation, we opened up opportunities to vote, and two things happened. We had the most dramatic turnout of voters in the United States of America for the office of President. We had never seen that kind of turnout of voters.

And No. 2, when the Agencies of government took a close look at the votes that were cast, they found no evidence—virtually none—of voter fraud or manipulation of the outcome of the election.

It was obvious to all who were honest about it, including some Republicans who have said as much in the last few days. But one man dissented. That man, of course, was the former President of the United States, Donald Trump, the loser—the official loser—in the 2020 election.

He is still in total denial. His momentous ego cannot countenance the possibility of rejection by the American voters, and so he claims the Big Lie that somehow or another this vote was stolen from the poor little former President. Though he can't come up with any evidence to prove any aspect of that and has failed miserably virtually every time he has gone to Federal court to argue it, he still continues to make that argument.

It was that argument that was the inspiration behind the insurrectionist mob that was here in the Capitol Building a little over a year ago trying to stop the electoral college vote count. They failed, as they should have. The Constitution prevailed. The will of the American people prevailed. And so in legislatures across the country, including the State of Wisconsin, we see Republican legislatures saying that we are unhappy with the results in the 2020 election; we want to change the rules when it comes to voting in our State.

And almost without exception, every change in these Republican legislatures results in a limited time to vote, a limited ability to vote, new obstacles to vote, and on and on and on.

I have yet to see any of these Republican-led leislatures demonstrate an effort to the contrary, to expand the right to vote.

And so based on article I, section 4 of the U.S. Constitution, we have written a bill, a bill that establishes basic standards of voting across America as this document envisioned: standards for voter registration, standards for absentee ballots, standards for same-day registration, standards for making election day a national holiday. Every one of these things that we have proposed in our pending legislation is an expansion of opportunities to vote for eligible voters.

It gets down to the bottom line: When it comes to eligible voters, should we create obstacles of hardship or should we make it easy for them to vote without endangering their families, without losing their jobs, without hardship?

I think that is the basic mission of a democratic legislature, is it not: the greatest possible participation of the greatest number of voters? Then let them decide on issue after issue.

So that is the issue of voting rights in America that now comes to the floor of the U.S. Senate.

On the question of the voting rights of Senators, it is interesting to me, every morning, that those in the Chamber start the session by pledging allegiance to the flag. It is apparent, from some of the arguments on the Republican side, that they want to start this meeting of the Senate each day additionally with a pledge of allegiance to the filibuster.

Now, that is strange, because if you have any history in the U.S. Senate, you know what the filibuster has become. It is not an occasional problem and challenge. It is now the standard.

The filibuster, you see, requires 60 votes for passage of a measure in a body of 100 people. It is an extraordinary majority. It gives power to the minority, which the Senate, of course, was designed to do by giving two seats—two Senate seats—to every State, large and small, but it goes a step further.

Despite what you may have heard on the floor earlier, the use of the filibuster—I should say the abuse of the filibuster—has led to the elimination, virtually, of debate and amendments on the floor.

I have often said that if you are suffering from insomnia and watch C–SPAN and turn on the U.S. Senate, you will see a perfect room and structure for a wedding reception because there is always plenty of room on the floor of the Senate. We should be leasing this out and using the money to reduce the national debt, the Senators use it so infrequently.

There was a time—can you believe this now?—10 years ago, there was a time when 12 appropriation bills would come out of the committees and come to the floor and be subject to amendments, and we would take turns offering amendments to all 12 appropriations bills. That was the ordinary course of business. It is no longer the case. It hasn't been that way for 10 years.

And when it comes to the debate and amendments on all the other items, the numbers tell the story.

I want to thank my friend JEFF MERKLEY, who has done amazing research on the Senate and its procedures.

In the 109th Congress, we considered 314 amendments. That declined to just 26 amendments under Republican leadership in the last Congress. Twenty-six amendments in a year? Compared to 314? Thank you, to the filibuster. That is where we are today. Thank you, to the 60-vote requirement. That is where we are today. And thanks to my colleagues on the Republican side who are trying to ignore those numbers. They are so graphic.

On nominations, there were only three cloture motions in the history of the United States before 1975—three. After 1975 to now, 852 times cloture has been filed on nominations—852 weeks of Senate time potentially obstructed.

That is the Senate today. That is the Senate under a filibuster. And if this Senate is going to join the House in establishing standards for equal voting rights across America, the filibuster is the obstacle.

I know this story personally. I introduced the DREAM Act 20 years ago—20 years ago. And you say: Senator, I thought you were a hotshot legislator. What are you waiting for? Pass it. I sure wish I could.

I brought it to the Senate floor five times in that 20-year period, the DREAM Act to help young people living in this country to have a chance, a pathway to citizenship. On five different occasions it has been stopped by

filibuster. Don't tell me the filibuster opens debate and opportunity. The filibuster has shut down debate on the DREAM Act five times in the last 20 years, and that is just one isolated example that is personal to me. That is what the filibuster is all about. It is stopping us from doing anything substantial on voting rights. It is stopping us from passing the DREAM Act. It is stopping us from passing meaningful immigration reform.

The filibuster is designed for people who want to say no—no to progress, no to government, no to the Senate being engaged in the issues that affect the American people and families.

I have seen colleagues come to the floor on the Republican side with quotes from me defending the filibuster. That was when I was a hopeful person in the Senate.

My hope has been dashed by reality—by the reality of a Senate that has been shut down when it comes to national debate and shut down when it comes to national achievement.

That, to me, has got to come to an end. I am prepared to sit down with any Republicans of good will—and Democrats included—and come up with some meaningful rules.

You know, incidentally, that we are sitting here with a calendar that is loaded with nominations? It is not the filibuster, but it is something quite near to it, where one or two Republican Senators have decided that they don't want to take the ordinary course for nominations. They want to drag them out interminably.

That is unfair to President Biden. It is unfair to the American people. If you want to defeat a nomination, do your best. But to stop the debate of the Senate on these nominations to impose your will and to slow down the business of the Senate, I think is an unacceptable standard.

And so for the voting rights of American to have a chance to be protected and for the voting rights of Senators to finally be engaged on the floor in that process, we have to be ready to make a change. I am ready. And as I said, I am ready to do it on a bipartisan basis. But for goodness' sake, this empty, silent Chamber is no indication of what the Founding Fathers had in mind when they created this legislature.

We are supposed to be engaged in debate, not afraid of debate. We shouldn't be running off and hiding behind 60 votes. I am open for change. I wish some Republicans would join us.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from California.

NOMINATION OF GABRIEL P. SANCHEZ

Mr. PADILLA. Madam President, I rise today to urge my colleagues to join me in confirming Justice Gabriel Sanchez to the U.S. Court of Appeals for the Ninth Circuit.

Justice Sanchez has long be held in high esteem in California's legal circles. He brings thoughtfulness and empathy to every decision that he makes.

He was born and raised in Los Angeles and was the proud son of a single mother from Mexico. She raised him while working tirelessly to make ends meet. With her unwavering support, Justice Sanchez went on to earn degrees from Yale College, from Cambridge University, and graduated from Yale Law School.

He began his legal career as a law clerk to Judge Richard Paez on the Ninth Circuit, the same court where he is now nominated to serve. Justice Sanchez then went into private practice, as many young lawyers do, but he committed himself to engaging in the community deeply by providing pro bono legal services, so much so that in the year 2010, he earned a social justice award from the ACLU of Southern California for his work representing farm workers in a lawsuit to enforce workplace safety protections to help prevent deadly heat illnesses.

Justice Sanchez went on to serve with distinction in California State government; first, as a deputy attorney general, and then as a deputy legal affairs secretary to then-Governor Brown. There, he proved himself to be a critical thinker, a creative problem-solver, and a dedicated public servant.

In recognition of his work and his service, his even-handed judgments, and his great legal talent, Governor Brown appointed Justice Sanchez to the California Court of Appeals in 2018.

Justice Sanchez has earned a reputation as an outstanding jurist committed to justice for all.

I am confident that he will bring the same dedication to the bench of the Ninth Circuit, and I am proud to support his confirmation today.

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

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

VOTE ON BOSE NOMINATION

The question is, Will the Senate advise and consent to the Bose nomination?

Mr. BROWN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 6 Ex.]

YEAS—68

Baldwin	Bennet	Blunt
Barrasso	Blumenthal	Booker
Brown	Kaine	Rosen
Burr	Kelly	Rounds
Cantwell	King	Schumer
Capito	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Luján	Smith
Casey	Lummis	Stabenow
Cassidy	Manchin	Sullivan
Collins	Markey	Tester
Coons	Menendez	Thune
Cortez Masto	Merkley	Tillis
Duckworth	Moran	Toomey
Durbin	Murkowski	Van Hollen
Fischer	Murphy	Warner
Gillibrand	Murray	Warnock
Graham	Ossoff	Warren
Grassley	Padilla	Whitehouse
Hassan	Peters	Wicker
Heinrich	Portman	Wyden
Hickenlooper	Reed	Young
Hirono	Romney	

NAYS—29

Blackburn	Hagerty	McConnell
Boozman	Hawley	Paul
Braun	Hoeven	Risch
Cornyn	Hyde-Smith	Rubio
Cotton	Inhofe	Sasse
Cramer	Johnson	Scott (FL)
Crapo	Kennedy	Scott (SC)
Cruz	Lankford	Shelby
Daines	Lee	Tuberville
Ernst	Marshall	

NOT VOTING—3

Feinstein	Sanders	Schatz

The nomination was confirmed.

The PRESIDING OFFICER (Mr. HICKENLOOPER). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

Mr. SCHUMER. Now, Mr. President, I ask to execute the previous order with respect to the Sanchez nomination.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Gabriel P. Sanchez, of California, to be United States Circuit Judge for the Ninth Circuit.

VOTE ON SANCHEZ NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Sanchez nomination?

Mr. SCHUMER. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 7 Ex.]

YEAS—52

Baldwin	Duckworth	Klobuchar
Bennet	Durbin	Leahy
Blumenthal	Feinstein	Luján
Booker	Gillibrand	Manchin
Brown	Graham	Markey
Cantwell	Hassan	Menendez
Cardin	Heinrich	Merkley
Carper	Hickenlooper	Murkowski
Casey	Hirono	Murphy
Collins	Kaine	Murray
Coons	Kelly	Ossoff
Cortez Masto	King	Padilla