

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 been 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	Lujan	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	Hoeben	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
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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	Lujan
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

Peters	Sinema	Warnock
Reed	Smith	Warren
Rosen	Stabenow	Whitehouse
Sanders	Tester	Wyden
Schumer	Van Hollen	
Shaheen	Warner	

## NAYS—47

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Cruz	McConnell	Tuberville
Daines	Moran	Wicker
Ernst	Paul	Young
Fischer	Portman	

## NOT VOTING—1

Schatz

The nomination was confirmed.

The PRESIDING OFFICER (Ms. SMITH). 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.

The Senator from South Dakota.

## FILIBUSTER

Mr. THUNE. Madam President, the Democrats' campaign to break the Senate continues.

I want to read a quote:

The ideologues in the Senate want to turn what the Founding Fathers called the cooling saucer of democracy into the rubber stamp of dictatorship.

Not my words—those are the words of the current Senate Democrat leader back in 2005 when filibuster changes were under discussion. The current Democrat leader was once, in fact, a defender of the filibuster and the role it plays in ensuring that the minority party in the Senate and the Americans it represents have a voice. In fact, the minority leader at various times has described trying to get rid of the filibuster as “doomsday for democracy.” He described those who were behind the effort to try to get rid of the filibuster as being in support of turning America into “a banana republic.” Those were statements made by the current Democrat leader when he was defending the filibuster in years past.

In fact, a lot of my colleagues across the aisle have defended the filibuster and used the filibuster repeatedly when they were in the minority. In the last Congress alone, Democrats filibustered COVID relief legislation until they got a bill that they could support. They filibustered police reform legislation. They filibustered Israel legislation. They filibustered pro-life legislation—and on and on.

While Republicans certainly didn't enjoy it when Democrats used the filibuster when we were in the majority, we recognized that it meant that our Senate was working the way that the Founders intended—as a place of compromise and deliberation, where the minority, as well as the majority, was represented. That is why we resisted

repeated calls from the former President, our party's President, when we had the majority to abolish the filibuster.

Abolishing the filibuster certainly would have made it easier for us to advance important legislation—legislation that was of value to Members on our side, things that we wanted to see get done—but we knew that sacrificing the long-term good of the Senate and the country for short-term gain was not an acceptable course of action.

Let's be very clear that the gain would have been short term. If we had abolished the legislative filibuster, we could have passed a lot of important legislation, only to see it overturned as soon as Democrats took control of the legislative and executive branches. Once we returned to unified Republican government, we could, of course, have put our original legislation back in place. That is the kind ping-ponging that would be terrible for our country.

Sharp changes in Federal policy every few years would mean endless confusion for Americans. Plus, free of the moderating influence of the filibuster, legislation would almost unquestionably become more extreme, which would harden and intensify partisan division not just here in Congress but in the country as a whole. Ordinary citizens would look ever more distrustful at government, which would quickly come to be seen as government for Americans of one party only—the party of power.

Democrats should know all of the things that I am saying. After all, they were in the minority just 1 year ago. It is hard for me to understand how they could forget that. Do they think that because they have the majority now, that they will always have it? History would beg to differ.

I realize the Democrats have hopes that if they pass their election legislation, it will help them stay in power, but surely—surely—Democrats don't believe that they can maintain a permanent hold on government. There have been some pretty robust Senate majorities in American history, but sooner or later, power has always shifted, and the Presidency has shifted too.

Even if Democrats succeed in all of their election machinations, the day will come—and probably sooner rather than later—when their party will return to the minority, and I suspect that at that point, they would bitterly regret the loss of the legislative filibuster.

Democrats have already had cause to regret the loss of the filibuster for judicial nominations. More than one Democrat Senator has openly admitted regretting Democrats' move to abolish the filibuster for judges and other nominees.

The unravelling of the filibuster for judicial nominations should be a lesson to both parties on how well weakening the filibuster or creating a filibuster carve-out would work. Democrats carved out a filibuster exception for ex-

ecutive and judicial nominees, and Republicans took it to its logical conclusion.

A legislative filibuster carve-out would be the end of the legislative filibuster, period.

If Democrats' carve out an exception for election legislation, a future Senate would be likely to carve out an exception for something else and so on and so forth, until the filibuster was carved out of existence completely.

In fact, I strongly suspect that a filibuster carve-out solely for election legislation wouldn't even survive the coming year. I can imagine my Democrat colleagues quickly deciding that some other priority of theirs was also worthy of a special exemption. It is possible that the legislative filibuster would be gone before the end of this Congress.

Again, I urge my Democrat colleagues to remember their decision to remove the filibuster for judicial nominations and how quickly that came back to haunt them. They may like the idea of forcing through their legislation now, but sooner or later—and probably sooner—I can guarantee that they will regret it.

The filibuster and its protection for the rights of the minority are safe so long as neither party starts to chip away at it. Once one party starts weakening the filibuster, especially on a totally partisan basis, that will be the end of the filibuster and the end of real representation for the minority in Congress.

It is deeply disappointing that the Democrat leader and the President have abandoned their previous support for protecting representation for the minority. It is even more astonishing, really, that they have done so when they enjoy the narrowest majorities in Congress. It should be a reminder of how quickly Democrats could once again return to the minority and be in need of the legislative filibuster.

But I know that there are Democrats out there with serious doubts about their leadership's course of action. Some would express this doubt openly, but I suspect there are others who haven't spoken up who also have serious reservations. After all, a majority of the current Senate Democrat caucus signed a letter just 4 short years ago expressing their belief in the importance of the filibuster. I cannot believe that all of them would change their position merely because the political winds have shifted.

So I urge all of my Democrat colleagues to resist this blatant power grab by the Democrat leadership and preserve our longstanding commitment to representation for the minority in the U.S. Senate, the purpose for which this institution was created, and the Americans it represents.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.