

Udall (NM)	Webb	Wyden
Vitter	Whitehouse	
Warner	Wicker	

NOT VOTING—6

Burr	DeMint	Kirk
Conrad	Inouye	Rockefeller

The nomination was confirmed.

VOTE ON NOMINATION OF TERRANCE G. BERG

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

The nomination was confirmed.

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

LEGISLATIVE SESSION

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

The majority leader.

UNANIMOUS CONSENT REQUEST—
S. 3664

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

The PRESIDING OFFICER. Is there objection?

The Republican leader.

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

The PRESIDING OFFICER. The majority leader.

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

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

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

Mr. MCCONNELL. Yes. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader.

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

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

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

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

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

Mr. DURBIN. Yes.

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

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

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

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

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

Mr. SCHUMER. Will the assistant majority leader yield?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

TRANSACTION ACCOUNT GUARANTEE PROGRAM EXTENSION ACT—MOTION TO PROCEED

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

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

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

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

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

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 554, S. 3637, a bill to temporarily extend the transaction account guarantee program, and for other purposes.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

THE DEBT CEILING

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