Wednesday, December 11, 2013, in room SD–628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a nomination hearing to consider the President's nomination of Vincent G. Logan, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, and an Oversight Hearing to receive testimony on Implementation of the Department of the Interior's Land Buy-Back Program.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

ORDERS FOR TUESDAY, DECEMBER 10, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, December 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to consider the Millett nomination under the previous order.

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

PROGRAM

Mr. REID. Senators then should expect the first vote tomorrow at 10:15 a.m.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of approximately one-half hour of Senator LAMAR ALEXANDER.

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

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wonder if I might ask the majority leader a question.

Mr. REID. Of course.

Mr. ALEXANDER. If I may ask it through the Chair, as I understand it, there are a total of 13 district judges on the calendar, and the majority leader is the only one in the Chamber who has the right to bring a judge from the calendar to the floor.

If I heard him correctly, he filed cloture on four district judges. The way I understand the Senate procedure is that means we have an intervening day tomorrow and we can start voting on Wednesday.

Because we changed the rules at the majority leader's request to make it easier to confirm district judges, there is only, in effect, 1 hour of debate on each district judge, 2 hours equally divided. Then, if Democrats decide they don't want to use their hour, we could use our hour if we wanted to—and that there never has been in the history of the Senate a district judge denied his or her seat by a filibuster, not President Obama, not anyone else.

If that is the case, why doesn't the majority leader bring up all the district judges? Let's bring up all 14 of them, bring them to the floor, have 1 hour of debate on each one? Why don't we do that?

Mr. REID. We tried to do that. The distinguished Senator from Tennessee objected.

The truth is that the Senate has gotten out of whack. If there was a controversy with one of these judges, then you could have some reason to stall. In years past, we have done it by unanimous consent. I think it is unfortunate that this Senate has come to this, but that is where we are.

We could approve 14 of these by my friend not objecting to them. He is on the record as saying he doesn't think there should be judges who are objected to; district court judges should be filibustered.

But here is the situation. During the entire time we have been a country, there have been 23 district court judges filibustered, in the entire time we have been a country. Twenty of them have been during the Obama administration.

So this is a game Republicans have played to do everything they can to make Obama a failed President, and they are not doing it. He is a very successful President and has a long list of things he has done in spite of the Republicans.

So I don't know the point my friend is trying to make, but let's approve all these. They are all going to get approved anyway. So what we are going to do is go through this process.

I saw my friend, the Senator from Arkansas, come through here. He helped, along with this Senator whose idea it was, from Tennessee—because Senator Frist was the leader and he backed off that and I understand why—where we had this nuclear option come up before, the Constitutional option, and there was an agreement made by my Republican colleagues that they would not filibuster a judge unless there were extraordinary circumstances. Does anyone understand—does anyone not understand why the whole country is upset about this?

Extraordinary circumstances? Look at these circuit court judges. It is outrageous that they do not like them just because they do not like them. Their qualifications are superb. Their educational backgrounds? They went to the best law schools in America. They all have good work records. But they objected to them.

My friend, for whom I have great admiration, the senior Senator from the State of Tennessee, has a stellar record. He has been Governor of a State, he has been a Cabinet Secretary, and he has been a very fine Senator. But in his heart he knows that what is going on here in the Senate has been wrong. He may criticize the majority leader for working to change the rules here, but they have been changed before, and they are going to be changed again.

It simply is not working. Who can complain about a majority vote? Who can complain about that? Someone talks about this filibuster as if it is something engraven someplace along with the Ten Commandments, but it is not. It is not in the Constitution. It is something we have developed here in the Senate. It originally came about to help get legislation passed. But my friends, the Republicans, the last number of years have used it to defeat legislation.

These nominations should have been approved. We should not have had to go through all this and we will not have to in the future.

The PRESIDING OFFICER. The Senator from Tennessee.

CHANGING SENATE RULES

Mr. ALEXANDER. Madam President, I appreciate the courtesy of the majority leader in allowing me to ask him a question. I have more to say about this whole subject. But let me go back to my point. There are 13 district judges on the calendar. On November 21, when we last met, there were 13 district judges. There is only one person in this Chamber who can bring a judge from the calendar to the floor for confirmation. That is the majority leader. Why did he not bring them all up? Why didn't he move them? Because under our rules all he has to do is make a motion that so-and-so district judge be confirmed. If he files cloture, we have to wait 1 day, and then we have 2 hours of debate.

Never in the history of the country, according to the Congressional Research Service, has a district judge been denied his or her seat because of a failed cloture vote, because of a filibuster. I know this from personal experience because a judge named McConnell from Rhode Island was nominated by President Obama at the recommendation of the Rhode Island Senators, and there were a number on this side who said we should filibuster the judge.

I thought not. I argued to all of the Republicans that we never had done that in history and we ought not to do it, we ought not to start it. So what has happened? I believe, with all due respect, the majority leader is manufacturing a crisis. There is no crisis with those 13 district judges. He is the one who could bring them up. He could have done it on Thursday, November 21st, the day he changed the rules. Friday would be the intervening day. The maximum amount of debate the Democrats could require on each judge would be 1 hour, if they yield back their hour. So in 13 hours, before midnight tonight, they could all be district judges. They were sitting on the calendar waiting for the majority leader to move.