so I will vote against confirming the nominee before us.

The majority changed more than 200 years of Senate practice, taking away one of the few tools the minority has to participate in either the confirmation or legislative process. On nothing more than a party line vote, the majority deployed a premeditated parliamentary maneuver to prohibit the very filibusters that majority Senators once used.

Getting these three individuals on this particular court at this particular time is apparently so important that the majority is willing to change the very nature of this institution to do it. I believe the reason is the majority's belief that, as DC Circuit judges, these nominees will reliably support actions by the executive branch agencies that are driving much of President Obama's political agenda.

Democrats enthusiastically embraced the filibuster when they used it to block Republican nominees to positions in both the executive and judicial branches. They used the filibuster to defeat nominees to be Assistant Secretary of Defense, Undersecretary of Agriculture, and U.N. Ambassador. They used the filibuster to defeat nominees to the Fifth Circuit, the Sixth Circuit, and the Ninth Circuit. They filibustered Miguel Estrada's nomination a record seven times to keep him off the DC Circuit. Three-quarters of all votes for judicial nominee filibusters in American history have been cast by Democrats. The majority leader alone voted to filibuster Republican judicial nominees no less than 26 times.

That was then, this is now. Simply turning on a political dime and opposing today what Democrats used so aggressively just a few years ago would be bad enough. But this radical institutional change is being justified by patently false claims. The majority leader claims as proof of ''unprecedented obstruction'' that there have been 168 nominee filibusters in American history, half of them during the Obama administration.

It turns out, Mr. President, that the majority leader is not even counting filibusters at all. He is counting cloture motions, which are nothing but requests to end debate on a matter pending before the Senate. A filibuster occurs only when that request to end debate is denied, when an attempt to end debate fails. Only 52 cloture votes on executive or judicial nominations have ever failed in American history, and only 19 nominees on whom cloture was filed were not confirmed. Looking at the Obama administration, only 14 cloture votes on nominations have failed and only six nominees have so far not been confirmed.

During the Obama administration, a much lower percentage of cloture motions on nominations have resulted in cloture votes, a much higher percentage of those cloture votes have passed, and a much higher percentage of nominees on whom cloture was filed have been confirmed. By what I have called filibuster fraud, the majority ends up claiming that confirmed nominees were obstructed and that ending debate is a filibuster. The truth is the opposite of what the majority claimed as the justification for ending nominee filibusters.

I regret that the President and the majority here in the Senate deliberately set up this political confrontation. I have explained in detail before how the DC Circuit's current level of eight active and six senior judges is sufficient to handle its caseload, which has been declining for years, while other circuits need more judges. I likely could support the nominee before us today had she been nominated to a seat that needed to be filled on a court that needed more judges.

Using false claims to justify radically changing the confirmation process in order to stack a court with judges who will rubberstamp the President's political agenda is wrong in so many ways. I hope there is time to undo the damage.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit?

Mr. MCCONNELL. 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 Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

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

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 247 Ex.]

YEAS—56

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

NAYS—38

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Enzi	McConnell	

NOT VOTING—6

Cochran	Cruz	Kirk
Coons	Johnson (WI)	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY—MOTION TO PROCEED

Mr. REID. I move to proceed to reconsider the vote by which cloture was not invoked on the Watt nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. 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 Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—54

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

NAYS—42

Alexander	Barrasso	Boozman
Ayotte	Blunt	Burr

Chambliss	Grassley	Paul
Coats	Hatch	Portman
Coburn	Heller	Risch
Cochran	Hoeven	Roberts
Collins	Inhofe	Rubio
Corker	Isakson	Scott
Cornyn	Johanns	Sessions
Crapo	Lee	Shelby
Enzi	McCain	Thune
Fischer	McConnell	Toomey
Flake	Moran	Vitter
Graham	Murkowski	Wicker

NOT VOTING—4

Coons	Johnson (WI)
Cruz	Kirk

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I move to reconsider the vote by which cloture was not invoked on the Watt nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. PORTMAN. 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 Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necesarrily absent: the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 249 Ex.]

YEAS—54

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

NAYS—42

Alexander	Enzi	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johanns	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker

NOT VOTING—4

Coons	Johnson (WI)
Cruz	Kirk

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, what is the question now before the Senate?

The PRESIDING OFFICER. The question will be on the cloture vote upon reconsideration.

The Senate will be in order.

The Republican leader.

Mr. MCCONNELL. Mr. President, I make a point of order that nominations are fully debatable under the rules of the Senate unless three-fifths of Senators chosen and sworn have voted to bring debate to a close.

The PRESIDING OFFICER. Under the precedent set by the Senate on November 21, 2013, cloture on nominations other than those to the Supreme Court of the United States is invoked by a majority vote.

Mr. MCCONNELL. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Illinois (Mr. KIRK), and the Senator from Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 250 Ex.]

YEAS—51

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

NAYS—45

Alexander	Corker	Inhofe
Ayotte	Cornyn	Isakson
Barrasso	Crapo	Johanns
Blunt	Enzi	Lee
Boozman	Fischer	Levin
Burr	Flake	Manchin
Chambliss	Graham	McCain
Coats	Grassley	McConnell
Coburn	Hatch	Moran
Cochran	Heller	Murkowski
Collins	Hoeven	Paul
Portman	Rubio	Thune
Pryor	Scott	Toomey
Risch	Sessions	Vitter
Roberts	Shelby	Wicker

NOT VOTING—4

Coons	Johnson (WI)
Cruz	Kirk

The PRESIDING OFFICER. The Senate sustains the decision of the Chair.

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 nomination of Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency.

Harry Reid, Tim Johnson, Mark Begich, Patrick J. Leahy, Christopher A. Coons, Martin Heinrich, Patty Murray, Bernard Sanders, Jeanne Shaheen, Benjamin L. Cardin, Al Franken, Sherrod Brown, Tom Harkin, Jack Reed, Thomas R. Carper, Sheldon Whitehouse, Bill Nelson, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Melvin L. Watt, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of 5 years, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 251 Ex.]

YEAS—57

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

NAYS—40

Alexander	Chambliss	Corker
Ayotte	Coats	Cornyn
Barrasso	Coburn	Crapo
Blunt	Cochran	Enzi
Boozman	Collins	Fischer

Flake	Lee	Scott
Graham	McCain	Sessions
Grassley	McConnell	Shelby
Hatch	Moran	Thune
Heller	Murkowski	Toomey
Hoeven	Paul	Vitter
Inhofe	Risch	Wicker
Isakson	Roberts	
Johanns	Rubio	

NOT VOTING—3

Cruz	Johnson (WI)	Kirk

The PRESIDING OFFICER (Ms. HEITKAMP). Upon reconsideration, the motion is agreed to.

NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of MELVIN L. WATT, of North Carolina, to be Director of the Federal Housing Finance Agency for a term of 5 years.

The PRESIDING OFFICER. Pursuant to the provisions of S. Res. 15 of the 113th Congress, there will now be up to 8 hours of postcloture consideration of the nomination, equally divided and controlled in the usual form.

The Senator from Connecticut.

ORDER OF PROCEDURE

Mr. MURPHY. Madam President, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m., and that the time during the recess count postcloture on the Watt nomination with the time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAPO. Madam President, I rise today to discuss the nomination of Representative WATT to lead the Federal Housing Finance Agency, or FHFA. Unfortunately, I cannot support this nomination, and I must urge my colleagues not to support it either.

I did not come to this decision lightly, and I regret we are placed in a situation where we cannot support a well-liked Member of Congress. However, by making a political appointment, the President has ignored the importance that the head of the FHFA be independent and viewed as nonpolitical. This is not a cabinet position, where the nominee is supposed to be an advocate for the President. Instead, this is an independent agency with a highly complex task impacting our entire economy, and it is for this reason many Senators noted the need to avoid politics and to emphasize the technical expertise needed to fill this position.

Regrettably, this did not occur, and we stand here today with the majority party apparently willing to confirm a political figure to this highly technical position. Worse yet, they appear to be ready to do it in a highly political manner that ignores decades of Senate rules and precedents.

Representative WATT has led a long and distinguished career in the House of Representatives and in legal practice. He is well liked by his colleagues, regardless of whether they see eye to eye with him on the issues, and he has a tremendously compelling personal story. My opposition to this nomination has nothing to do with Representative WATT from a personal perspective. To the contrary, there are many positions in government to which Representative WATT could have been easily confirmed.

In demonstration of that point, it is worth noting that most of the President's nominees that have come through the Banking Committee have been confirmed with strong bipartisan votes, often with unanimous consent. In fact, four nominees who appeared at a nomination hearing with Representative WATT were all approved by voice vote.

However, this position is distinctly unique within our government. Thus, our evaluation of any nominee requires additional scrutiny. The Director of the FHFA is conservator of Fannie Mae and Freddie Mac, which have operated under Federal control since they were taken over in 2008 because they didn't have enough capital to support expected losses.

Since that conservatorship began, we have seen the bill to the American taxpayers rise to nearly $200 billion. The Housing and Economic Recovery Act, or HERA, established the FHFA and the rules of the conservatorship. It specifically grants the FHFA the power to operate Fannie and Freddie ''with all the powers of the shareholders, the directors, and the officers,'' so long as they remain in conservatorship.

FHFA's conservatorship of Fannie and Freddie triggered those broad powers and the Director of the FHFA now stands alone as the regulator, the top executive, and the shareholder of Fannie Mae and Freddie Mac and their combined $5 trillion of portfolio. Because of this immense power vested in the Director of the FHFA, it is a position that requires an in-depth knowledge of and experience with numerous aspects of the housing markets and mortgage industries.

The statute explicitly requires that, at a minimum, any nominee:

> . . . have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

Additionally, to be successful, it is logical that any nominee should also have knowledge of and experience with investment portfolios, the operations of both public and private insurance and guarantees, and the management skills necessary to oversee the nearly 12,000 employees employed by both entities.

Since this position has virtually unchecked power to control two multitrillion dollar companies, and because the companies control so much of our mortgage-backed securities market, the decisions of the FHFA Director will have tremendous impact on our housing market and, collaterally, on the global market.

If we are to give anyone this much power, we must know for certain that he has the experience to know how to make the right choices and, frankly, the political independence to make those choices, even if they are unpopular.

One reason this is so important is the impact on the taxpayer. Even a few basis points of losses could mean billions in the context of multitrillion dollar companies. That would be on top of the nearly $200 billion the taxpayers have already shouldered.

With those unique risks in mind, the FHFA has taken great strides during the conservatorship to shore up the business practices of Fannie Mae and Freddie Mac. Underwriting standards have been tightened, portfolio holdings have been reduced, guarantee fees have been increased, and risk is being gradually transferred from the taxpayer to the private sector.

With these changes, the revenues of Fannie and Freddie have increased, their risks have decreased, and, for now, they have regained a certain amount of profitability. This current profitability creates its own set of challenges and questions. But one thing is certain: Any return to policies of the past, whether with social goals in mind or merely by mistake due to lack of technical experience, could expose the taxpayer to immense risk.

In addition to the risks associated with their current operations, the Director will also have a substantial impact on the prospects of the success of these reforms. While Congress and the White House will determine how to reform and strengthen our housing finance system, we need to be able to rely on the director of the FHFA for advice and guidance as we proceed. For this to work effectively, the FHFA Director will need to be seen as a technical expert who is not viewed as a political advocate for the President.

The Director of the FHFA must have the market experience to understand how any proposed changes would or would not work, how they would impact access to mortgages while protecting taxpayers from losses, and how they would affect our housing market and economy as a whole.

One example: There is a lot of interest in developing markets in a manner to ensure there is adequate private capital taking the first loss to protect the taxpayer, if there is to be some sort of government guarantee in the future. Some proposals call for the development of various private-sector risk-sharing mechanisms, including senior subordinated deal structures, credit-linked structures, and regulated bond guarantors.

Many are looking at what the FHFA has already begun working toward as a test for the viability of capital markets' risk-sharing transactions. These risk transfer deals—known within