

majority leader is saying: I am shutting all of that off. You have no rights. You can't offer any amendments. You can't offer any improvements to this bill.

We were taught from the beginning—in terms of how laws are made—that it is a process, and the process is that everybody gets their input and then we decide what we want to support. If you can cobble together a majority for supporting your issue, you end up winning.

All of this will be determined here in the next week. A vote today in protest of our inability to be gagged and shut down by the majority leader doesn't mean we are opposed to good provisions that my colleague from Oregon has said have bipartisan and nearly unanimous consent.

The vote today is about whether we are going to have the opportunity to say and do anything to make this a better bill and allow us an opportunity to have our input. I listed three items here that I think directly relates to taxes. If the parliamentarian determines that those are not relevant to the particular bill, I will accept that even if I think they are relevant. My colleagues will also accept that. We are tailoring items we think will go directly to what the issue of the day is; yet we are not offered the opportunity to do anything about it.

I cannot understand why my Democratic colleagues can't see the injustice and unfairness of that. If they were in the minority, they would be standing where I am and basically making the same point. How can Republicans conceivably say: I have been elected here, but I have no way of representing the voice of the people who sent me here. I have no way of offering a means of improving this bill or taking on something that I find totally egregious, but I am willing to accept how the vote turns out. I am not necessarily trying to stop the bill from going forward, but I am trying to make it better.

I think if the shoe was on the other foot, my colleagues would simply say: That is not the way the Senate is supposed to work. That is not why I came here. I came here to be a participant. I didn't come here to be told by the majority leader that I have no right to offer a relevant amendment to legislation that is before us. It is a total neuterization of the minority rights in a body that was conceived by our Founders—and a tradition that has been held for more than 200 years—to be a deliberative body. Deliberative doesn't mean the majority leader walks over from his office and says: You have no right to offer an amendment. We are taking that right away from you. Deliberative means we stand and talk to each other as we just did. It is pretty rare for two of us to be on the same page on comprehensive tax reform and probably on the extenders, but the two of us have the chance to go back and forth with each other.

I know the time has run out and it is time to call for a vote.

No one should mistake a vote against this as a vote against tax extenders. It could be a protest. I am not sure where we will end up, but it could be a protest vote on the basis of the fact that we want to have our rights honored. We want to be able to participate. We want to be able to go home and say: I had a chance to take your voice to the Senate and debate it. It was voted on. It either passed or it didn't pass, but I gave it everything I had. I don't want to go home and say: I didn't have a chance to even raise my voice on behalf of your voice and achieve any kind of debate, deliberation or vote on this amendment. That is not why we are sent here. My Democratic colleagues need to understand that continuing to support what the majority leader is doing impacts their rights and their people's rights as much as it does ours.

With that I know the time has expired and I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided before the cloture vote.

Mr. TESTER. I ask unanimous consent to yield back all time.

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

Mr. COATS. We yield back time as well.

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

The legislative 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 Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Cory A. Booker, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

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 Rosemary Marquez, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), and the Senator from Nebraska (Mr. JOHANNES).

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

The yeas and nays resulted—yeas 58, nays 35, as follows:

[Rollcall Vote No. 150 Ex.]

#### YEAS—58

|            |              |            |
|------------|--------------|------------|
| Ayotte     | Gillibrand   | Murphy     |
| Baldwin    | Graham       | Murray     |
| Begich     | Hagan        | Nelson     |
| Bennet     | Harkin       | Pryor      |
| Blumenthal | Heinrich     | Reed       |
| Booker     | Heitkamp     | Reid       |
| Boxer      | Hirono       | Schatz     |
| Brown      | Johnson (SD) | Schumer    |
| Cantwell   | Kaine        | Shaheen    |
| Cardin     | King         | Stabenow   |
| Carper     | Klobuchar    | Tester     |
| Casey      | Landrieu     | Udall (CO) |
| Chambliss  | Leahy        | Udall (NM) |
| Collins    | Markey       | Walsh      |
| Coons      | McCaIn       | Warner     |
| Donnelly   | McCaskill    | Warren     |
| Durbin     | Menendez     | Whitehouse |
| Feinstein  | Merkley      | Wyden      |
| Flake      | Mikulski     |            |
| Franken    | Murkowski    |            |

#### NAYS—35

|           |              |          |
|-----------|--------------|----------|
| Alexander | Grassley     | Portman  |
| Barrasso  | Hatch        | Risch    |
| Blunt     | Heller       | Roberts  |
| Coats     | Hoeven       | Rubio    |
| Coburn    | Inhofe       | Scott    |
| Cochran   | Isakson      | Sessions |
| Corker    | Johnson (WI) | Shelby   |
| Cornyn    | Kirk         | Thune    |
| Crapo     | Lee          | Toomey   |
| Cruz      | McConnell    | Vitter   |
| Enzi      | Moran        | Wicker   |
| Fischer   | Paul         |          |

#### NOT VOTING—7

|          |             |         |
|----------|-------------|---------|
| Boozman  | Levin       | Sanders |
| Burr     | Manchin     |         |
| Johannes | Rockefeller |         |

The PRESIDING OFFICER. On this vote the yeas are 58, the nays are 35. The motion is agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF ROSEMARY MARQUEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. Cloture having been invoked, the clerk will report the nomination.

The legislative clerk read the nomination of Rosemary Marquez, of Arizona, to be United States Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

The Senator from Oregon.

Mr. WYDEN. Mr. President, to use our time, my colleague from Indiana spoke earlier as though the cloture vote on the extenders determines whether the Senate will have any amendments to the extenders bill. That is not the case. A "yes" vote today is a vote to move the debate forward.

In that vein I simply want to announce that if cloture is invoked, I would be happy to work with Senator HATCH and the two leaders to develop

an agreed-upon list of amendments, narrowly related to the bill that the Finance Committee did in its consideration of the bill in the committee.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I certainly want to thank my good friend, the chairman of the Finance Committee, for his observation. He is moving in the right direction. As everyone is clearly aware, the issue of not allowing amendments is a highly sensitive matter. The Senate has been changed dramatically in recent years.

The time to have a negotiation over amendments is before cloture is invoked, not after. If there is an indication on the other side that we are willing to have that negotiation, the time to do it is now because our experience postcloture with the ability to offer amendments has not been good, to put it mildly.

So I think the chairman of the Finance Committee is headed in the right direction. The timing is a little off. We would like to have this negotiation over amendments before cloture is invoked on the bill.

#### CLOTURE MOTION

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

The assistant legislative 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 Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Cory A. Booker, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey.

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 Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR).

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

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 151 Ex.]

#### YEAS—59

|            |              |            |
|------------|--------------|------------|
| Ayotte     | Graham       | Murkowski  |
| Baldwin    | Hagan        | Murphy     |
| Begich     | Harkin       | Murray     |
| Blumenthal | Heinrich     | Nelson     |
| Booker     | Heitkamp     | Pryor      |
| Boxer      | Hirono       | Reed       |
| Brown      | Isakson      | Reid       |
| Cantwell   | Johnson (SD) | Schatz     |
| Cardin     | Kaine        | Schumer    |
| Carper     | King         | Shaheen    |
| Casey      | Klobuchar    | Stabenow   |
| Chambliss  | Landrieu     | Tester     |
| Collins    | Leahy        | Udall (CO) |
| Coons      | Levin        | Udall (NM) |
| Donnelly   | Markey       | Walsh      |
| Durbin     | McCain       | Warner     |
| Feinstein  | McCaskill    | Warren     |
| Flake      | Menendez     | Whitehouse |
| Franken    | Merkley      | Wyden      |
| Gillibrand | Mikulski     |            |

#### NAYS—35

|           |              |          |
|-----------|--------------|----------|
| Alexander | Grassley     | Portman  |
| Barrasso  | Hatch        | Risch    |
| Blunt     | Heller       | Roberts  |
| Coats     | Hoeven       | Rubio    |
| Coburn    | Inhofe       | Scott    |
| Cochran   | Johanns      | Sessions |
| Corker    | Johnson (WI) | Shelby   |
| Cornyn    | Kirk         | Thune    |
| Crapo     | Lee          | Toomey   |
| Cruz      | McConnell    | Vitter   |
| Enzi      | Moran        | Wicker   |
| Fischer   | Paul         |          |

#### NOT VOTING—6

|         |         |             |
|---------|---------|-------------|
| Bennet  | Burr    | Rockefeller |
| Boozman | Manchin | Sanders     |

The PRESIDING OFFICER. On this vote the yeas are 59, the nays are 35. The motion is agreed to.

#### NOMINATION OF DOUGLAS L. RAYES TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Douglas L. Rayes, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided.

Mr. MCCAIN. I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative 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 James Alan Soto, of Arizona, to be United

States District Judge for the District of Arizona.

Harry Reid, Patrick J. Leahy, Robert Menendez, Christopher Murphy, Elizabeth Warren, Christopher A. Coons, Angus S. King, Jr., Richard Blumenthal, Jeff Merkley, Amy Klobuchar, Dianne Feinstein, Richard J. Durbin, Tom Udall, Sheldon Whitehouse, Charles E. Schumer, Edward J. Markey, Cory A. Booker.

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 James Alan Soto, of Arizona, to be United States District Judge for the District of Arizona, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 61, nays 35, as follows:

[Rollcall Vote No. 152 Ex.]

#### YEAS—61

|            |              |            |
|------------|--------------|------------|
| Ayotte     | Gillibrand   | Murkowski  |
| Baldwin    | Graham       | Murphy     |
| Barrasso   | Hagan        | Murray     |
| Begich     | Harkin       | Nelson     |
| Bennet     | Heinrich     | Pryor      |
| Blumenthal | Heitkamp     | Reed       |
| Booker     | Hirono       | Reid       |
| Boxer      | Isakson      | Schatz     |
| Brown      | Johnson (SD) | Schumer    |
| Cantwell   | Kaine        | Shaheen    |
| Cardin     | King         | Stabenow   |
| Carper     | Klobuchar    | Tester     |
| Casey      | Landrieu     | Udall (CO) |
| Chambliss  | Leahy        | Udall (NM) |
| Collins    | Levin        | Walsh      |
| Coons      | Markey       | Warner     |
| Donnelly   | McCain       | Warren     |
| Durbin     | McCaskill    | Whitehouse |
| Feinstein  | Menendez     | Wyden      |
| Flake      | Merkley      |            |
| Franken    | Mikulski     |            |

#### NAYS—35

|           |              |          |
|-----------|--------------|----------|
| Alexander | Grassley     | Portman  |
| Blunt     | Hatch        | Risch    |
| Burr      | Heller       | Roberts  |
| Coats     | Hoeven       | Rubio    |
| Coburn    | Inhofe       | Scott    |
| Cochran   | Johanns      | Sessions |
| Corker    | Johnson (WI) | Shelby   |
| Cornyn    | Kirk         | Thune    |
| Crapo     | Lee          | Toomey   |
| Cruz      | McConnell    | Vitter   |
| Enzi      | Moran        | Wicker   |
| Fischer   | Paul         |          |

#### NOT VOTING—4

|         |             |
|---------|-------------|
| Boozman | Rockefeller |
| Manchin | Sanders     |

The PRESIDING OFFICER. On this vote the yeas are 61, the nays are 35. The motion is agreed to.