

The question is, Will the Senate advise and consent to the Scarsi nomination?

Mr. GARDNER. 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from North Dakota (Mr. CRAMER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Ms. HARRIS), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 83, nays 12, as follows:

[Rollcall Vote No. 170 Ex.]

#### YEAS—83

Alexander	Graham	Portman
Baldwin	Grassley	Reed
Barrasso	Hassan	Risch
Bennet	Hawley	Roberts
Blackburn	Heinrich	Romney
Blunt	Hirono	Rosen
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Burr	Johnson	Scott (FL)
Cardin	Jones	Scott (SC)
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Sinema
Collins	Lankford	Smith
Cornyn	Leahy	Stabenow
Cortez Masto	Lee	Sullivan
Cotton	Loeffler	Tester
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Duckworth	Menendez	Udall
Durbin	Moran	Van Hollen
Enzi	Murkowski	Warner
Ernst	Murphy	Whitehouse
Feinstein	Paul	Wicker
Fischer	Perdue	Young
Gardner	Peters	

#### NAYS—12

Blumenthal	Klobuchar	Schatz
Booker	Markey	Schumer
Cantwell	Merkley	Warren
Gillibrand	Murray	Wyden

#### NOT VOTING—5

Capito	Cramer	Sanders
Coons	Harris	

The nomination was confirmed.

The PRESIDING OFFICER. 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 actions.

#### CLOTURE MOTION

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

The senior 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, do hereby move to bring to a close debate on the nomination of Stanley Blumenfeld, of California, to be United States District Judge for the Central District of California.

Mitch McConnell, Martha McSally, Tom Cotton, John Cornyn, Kevin Cramer, John Barrasso, Roy Blunt, John Boozman, Marco Rubio, Richard Burr, Mike Crapo, Roger F. Wicker, Rob Portman, Lamar Alexander, John Thune, Steve Daines, James Lankford.

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 Stanley Blumenfeld, of California, to be United States District Judge for the Central District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from West Virginia (Mrs. CAPITO) and the Senator from North Dakota (Mr. CRAMER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Ms. HARRIS), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 89, nays 6, as follows:

[Rollcall Vote No. 171 Ex.]

#### YEAS—89

Alexander	Graham	Portman
Baldwin	Grassley	Reed
Barrasso	Hassan	Risch
Bennet	Hawley	Roberts
Blackburn	Heinrich	Romney
Blunt	Hoeven	Rosen
Booker	Hyde-Smith	Rounds
Boozman	Inhofe	Rubio
Braun	Johnson	Sasse
Brown	Jones	Schatz
Burr	Kaine	Schumer
Cantwell	Kennedy	Scott (FL)
Cardin	King	Scott (SC)
Carper	Klobuchar	Shaheen
Casey	Lankford	Shelby
Cassidy	Leahy	Sinema
Collins	Lee	Smith
Cornyn	Loeffler	Stabenow
Cortez Masto	Manchin	Sullivan
Cotton	McConnell	Tester
Crapo	McSally	Thune
Cruz	Menendez	Tillis
Daines	Merkley	Toomey
Duckworth	Moran	Udall
Durbin	Murkowski	Warner
Enzi	Murphy	Whitehouse
Ernst	Murray	Wicker
Feinstein	Paul	Wyden
Fischer	Perdue	Young
Gardner	Peters	

#### NAYS—6

Blumenthal	Hirono	Van Hollen
Gillibrand	Markey	Warren

#### NOT VOTING—5

Capito	Cramer	Sanders
Coons	Harris	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 6.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Stanley Blumenfeld, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from South Dakota.

#### FILIBUSTER

Mr. THUNE. Madam President, last week, Leader MCCONNELL called up a bill to the floor of the U.S. Senate. It was a coronavirus relief bill, which included a number of components that both sides had agreed needed to be in any coronavirus relief bill. It was a targeted bill. It was a fiscally responsible bill, and it was a bill that was rooted in reality. In other words, there was a belief that it could be signed into law if, in fact, it was passed by the Congress.

So, when it was called up, obviously, we talked about the features in the bill, many of which are things, as I said, enjoyed bipartisan support. When I said it was fiscally responsible, it actually repurposed funds from the previous coronavirus relief bill, from the CARES Act, that had not yet been spent. So it took some of those dollars, repurposed them, used them in another way, which I think would be a fiscally responsible way in which to approach the whole issue of how we spend taxpayer dollars on any issue, including a crisis. So there was a repurposing that I think, again, represents a fiscally responsible approach to doing this.

It also addressed the issue of people who were unemployed. It had a provision in there that allowed people to continue to receive unemployment insurance above and beyond what their States offered in terms of the benefits—\$300 above that on a per-week basis, which, on average, represents about an 85-percent wage replacement. So it was about an 85-percent wage replacement in terms of an unemployment benefit. It also included bipartisan improvements and bipartisan amendments and modifications to the PPP program, things which both sides had agreed upon. That program has been very successful but needed to be expanded and reauthorized, so it included those changes—again, bipartisan changes.

It included significant funding for both elementary and secondary education—about \$70 billion there to help our schools open safely and another \$30 billion to \$35 billion for colleges and universities for the same purpose; to help them be able to open safely—again, a bipartisan priority.

Those are just a few of the things that were included. It also included, of course, additional funding for vaccines, therapies, testing, all things that we think are vitally important if we are going to defeat the virus.

Those were all components that were included in the bill last week that was brought up to the floor by the majority

leader, Senator McConnell, and it was blocked. It was filibustered by the Democrats. Now, when I say blocked, I am not talking about blocking the end bill. I am talking about blocking even getting on the bill. It was a motion to proceed under the Senate rules, something that is necessary to get on a bill.

It is important, I think, to point out that there are several ways in which a bill can be stopped, and they require a supermajority—60 votes in the Senate. Once you are on a bill and it is subject to an amendment process, you can, at the end of that, if you don't like the bill, you can still block it with 41 votes. In other words, it takes 60 votes to get on a bill, to proceed to a bill, and 60 votes to get off the bill, to report it out. So there are several places where if you are opposed to something and you think that you haven't been treated fairly, you can block it.

But blocking the motion to proceed means you are blocking a bill—even just the idea of getting on the bill and opening it up to an amendment process and debating it on the floor of the Senate. That is not, obviously, the first time that has happened. It happened in the police reform bill. It happened earlier this year in the original CARES package.

But on the police reform bill, you had, again, a bill that had many bipartisan provisions in it. In fact, about 75 to 80 percent of the bill were things that both sides agreed upon, and, there again, the motion to proceed just to get on the bill was blocked. It was by the use of the filibuster. It was by the use of the 60-vote threshold in the Senate to prevent the Senate from even proceeding to the bill—even after, I would add, the manager of that bill and the author of that bill, Senator TIM SCOTT from South Carolina, had indicated through the leadership that they would be willing to accept up to 10 amendments or up to 20 amendments. They were offered unanimous consent to get 10 or 20 amendments offered in the police reform bill, but it was still blocked even on the motion to proceed by the Democrats in the Senate.

So, when they blocked the bill last week, it was pointed out, I think, accurately by the media reporting on the bill. These were a few of the headlines to give you a sense of the reaction.

The Hill: "Senate Democrats block GOP relief bill." The Washington Post said: "Democrats block slimmed-down GOP coronavirus relief bill. . . ." ABC News said: "Democrats block Senate GOP COVID 19 relief proposal." National Public Radio said: "Senate Democrats Block GOP's \$300 Billion Pandemic Relief Bill."

So those were some of the headlines. Maybe this doesn't mean anything to anybody but Congress watchers, but I am sure the irony is not lost on anybody who follows this process. The Democrats used the legislative filibuster. When I say blocking a motion to proceed, it was the use of a legislative filibuster to block a bill last

week—as I mentioned, several times earlier this year—at the same time that they are calling for an end to the legislative filibuster.

Imagine that. Think about the irony of that. On Friday, NBC News reported: "Democratic insiders are assembling a coalition behind the scenes to wage an all-out war on the Senate filibuster in bullish anticipation of sweeping the 2020 election. . . ."

So the very mechanism that they used repeatedly here just in the last year—but, frankly, for the last 6 years that they have been in the minority—to block or, in some cases, even to improve a bill that comes to the floor of the U.S. Senate, they are now talking about getting rid of that very rule. I mean, think about that. The irony of that is pretty rich.

It was a disturbing confirmation that the campaign by some Democrats to eliminate the Senate's nearly 200-year-old practice for considering legislation has become official. It used to be sort of whispered around here and talked about, but now they are talking openly about getting rid of the filibuster. It puts into stark contrast the choice the voters are going to face in November.

So what is the legislative filibuster? Well, it is the product of the Senate's tradition of unlimited debate. The legislative filibuster is essentially the requirement that 60 Senators agree before the Senate can end debate and vote on a contentious bill. In other words, you need 60 percent of the Senate to agree before you can pass a bill.

Now, what this means in practice is that unlike the House of Representatives, where legislation can easily pass with the support of just one party, in the Senate, you generally need the support of at least some Members of the other party before you can pass legislation. Nowadays, the Senate's filibuster rule could be said to be the primary thing that distinguishes the Senate from the House of Representatives.

That matters because the Senate is supposed to be different from the House of Representatives. The Framers of the Constitution designed the Senate to be, as the minority leader once said—aluding to the legendary exchange between Washington and Jefferson—the cooling saucer of democracy.

Wary of—to quote Federalist 62—"the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions," the Founders created the Senate as a check on the House of Representatives. They made the Senate smaller and Senators' terms of office longer with the intention of creating a more stable, more thoughtful, and more deliberative legislative body to check ill-considered or intemperate legislation.

As time has gone on, the legislative filibuster is the Senate rule that has had perhaps the greatest impact in preserving the Founders' vision of the Senate. Thanks to the filibuster, it is often harder to get legislation through the Senate than through the House. It

requires more thought, more debate, and greater consensus.

Those are good things. Historically, Senators of both parties have recognized this. They have seen beyond the narrow partisan advantage of the moment and fought for the preservation of the filibuster.

In 2005, when there was talk of abolishing the judicial filibuster, Democratic Senators, some of whom still serve in this body today, fought fiercely to safeguard it. At a rally in March of that year, the current Democratic leader said:

They believe if you get 51% of the vote, there should be one party rule. We will stand in their way! Because an America of checks and balances is the America we love. It's the America the Founding Fathers created. It's been the America that has kept us successful for 200 years and we're not going to let them change it! . . . We will fight, and we will preserve the Constitution.

That is from the current Democratic leader back in 2005, speaking about proposals to eliminate the filibuster. Well, unfortunately, the Democrats changed their tune a few years later when they thought abolishing the judicial filibuster would serve their advantage. But even then, Democrats—and later Republicans—sought to distinguish between confirming nominees and the importance of preserving debate on legislation. Now they are talking about abolishing the fundamental practice of the Senate, the legislative filibuster, for the same prospect of temporary partisan gaming.

"Nothing's off the table," the minority leader said when asked about Democrats' intentions for the legislative filibuster if they win back the Senate. It is a far cry from what he said just a few years ago.

Eliminating the legislative filibuster would permanently change the nature of the Senate. The cooling saucer that the Founders envisioned would essentially be gone, and the one-party rule the Democratic leader decried back in 2005 would become a reality.

Some might ask why one-party rule is a problem. After all, sometimes one party wins the Senate, the House, and the Presidency. Shouldn't that party be able to pass whatever legislation it wants? Well, the answer is no. Our country is relatively evenly split down the middle, with the advantage sometimes moving to the Republicans and sometimes to the Democrats, but even if one party were a permanent minority in this country, one-party rule still wouldn't be acceptable.

Let me go back to the Federalist papers for just a minute. Federalist 10 and 51 discuss two issues that the Founders were concerned about: minority rights and the tyranny of the majority. While we tend to think of tyrants as single individuals, the Founders recognized that a majority could be tyrannical as well. So the Founders created a system of government designed to prevent tyrannical majority from running roughshod over the rights of the minority, and one of those checks was the Senate.

Today, the legislative filibuster may be the single most important thing preserving the Senate's constitutional role as a check on majority tyranny. By requiring 60 votes, the filibuster ensures that any legislation has to take into account the views of a broad group of Senators. With a 60-vote threshold, you are unlikely to get your legislation passed unless you bring some Senators of the opposite party on board, and that means the minority party has a real role in shaping legislation in the Senate, something the minority party in the House lacks.

Democrats have repeatedly, as I pointed out earlier, used the legislative filibuster to their advantage during this Congress. In March, Democrats filibustered our largest coronavirus relief bill, the CARES Act, until Republicans agreed to add some Democratic priorities, and Democrats quickly took credit for making the bill better. You would think that Democrats would want to preserve this influence, especially—especially—now that Democrats have experienced the consequences of their decision to abolish the judicial filibuster.

Of course, when they say they want to abolish the legislative filibuster, Democrats mean that they want to abolish the legislative filibuster if they win a majority in November. They have a lot of legislation they want to pass, and they don't want to have to moderate that legislation to address Republicans' or Americans' concerns.

But I would remind my colleagues that no one is in power forever. If Democrats do win in November and abolish the legislative filibuster, they may quickly come to regret that decision once they are in the minority again, because no matter how permanent a majority thinks it will be, sooner or later every majority party returns to minority status.

In addition to doing away with the bipartisan nature of the Senate, ending the legislative filibuster would also erode the stability of government. Legislation would become more partisan because the majority would not have to take into account the opinions of the minority party. That would make legislation likely to be reversed as soon as the opposite party gains the majority in a future Congress.

Without the legislative filibuster, it is not hard to see a future in which national policy on a host of issues could fluctuate wildly every few years. Taxes could go up and down on a regular basis. Government programs could be stopped and started every few years. The consequences for individuals, businesses, and our economy would not just be unpleasant but potentially devastating.

I understand the frustration of my Democratic colleagues. I have been in the minority of the Senate. I was in the minority my first 8 years here.

I also know what it is like when you get into the majority and can't pass everything you want because the minor-

ity party will filibuster your bills. I have certainly had moments when I wished we could just pass legislation with a simple majority, especially coming from the House of Representatives.

Democrats have stood in the way of a lot of legislation I would like to have passed this year, from Senator SCOTT's police reform bill, which I mentioned earlier, to additional coronavirus relief, to pro-life legislation.

It is also important to note that not every filibuster has been undertaken for noble purposes. Like every tool, it can be misused. But I know that no matter how frustrating the filibuster may be in the moment, preserving it is essential to preserving the institution of the Senate and the purpose for which it was created. It is essential to protecting minority rights, and it is an essential check on tyrannical majorities that would seek to curtail our freedoms.

Legend has it that when Benjamin Franklin was leaving the Constitutional Convention, someone asked him what form of government the convention had instituted. "A republic," Franklin said, "if you can keep it"—"if you can keep it."

Today, the legislative filibuster is the key rule preserving the Senate's constitutional role as a check on partisan passion. I pray that no future Senate will destroy the Senate's essential role in our system of government for temporary partisan gain.

I yield the floor.

Ms. MURKOWSKI. Mr. President, will the Senator from South Dakota yield for a question?

Mr. THUNE. I will be happy to yield to the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I want to just start by saying amen to everything the Senator has said.

I listened to his words carefully, and I hear a great deal of caution in his words about actions that the Senate may take as a body that would be in response to perhaps short-term gain or immediate political gain—but a gain that could be finite.

Over the course of the years that I have been in the Senate, I, too, have shared the same frustration about legislation that I cared deeply about that I believe had been blocked. Our parliamentary rules have actually worked to delay things unnecessarily or oftentimes delayed things to the point where they never came to fruition. I have seen the frustration. I also see the benefit of being more methodical, of being that cooling saucer in the process of governance and particularly good governance.

But the words that you used are very, very cautionary. It is as if you are suggesting that if we change the filibuster rules, we will, in effect, have changed the institution of the Senate going forward and have changed the institution so that it is, perhaps, just a smaller body than the House but subject to the same rules, where those who have the most votes on one side win.

My question to the Senator from South Dakota is, Do you believe that a change in the filibuster rules here in the U.S. Senate would be permanently detrimental to the institution of the Senate going forward?

Mr. THUNE. Mr. President, I would say, through the Chair, to my colleague from Alaska that that is absolutely the case. I don't think there is any question but that, if the legislative filibuster is done away with in a future Senate—and, again, Members on the Democratic side are talking openly about doing that if they gain the majority after the election in November—it will transform the institution of the Senate and, by extension, transform our country.

The institution that was designed to protect minority rights and to put a check on a majority will no longer be a functioning institution in the way the Founders intended. In fact, it will essentially become, as the Senator from Alaska pointed out, the House of Representatives with longer terms.

I think that would be unfortunate for a country that was based upon a system of checks and balances and that recognized very early on how critical it was that minority rights be a part of our public debate and discussion and that those voices not be muffled or that those voices not be completely put out of the public debate.

I would simply say to my colleague from Alaska that I think this is a monumental issue in terms of what this institution has meant to this country and what it will continue to mean in the future if these rules are changed and this constitutional protection, as we have pointed out, is done away with. It will transform the Senate, and it will transform the country in ways that would be very detrimental to what the Founders intended.

Ms. MURKOWSKI. I thank the Senator from South Dakota.

I would hope that on a matter as significant as what we are talking about, which is effectively the operational integrity of this institution, there would be good, thorough open discussion and debate on this floor and amongst floor Members.

But the concerns we are hearing that there are efforts on the outside of this body that would push us to change our rules and do so in a way that could permanently erode and undercut the ability of the U.S. Senate to operate as intended would be, I believe, a travesty.

Thank you.

The PRESIDING OFFICER (Mr. ROUNDS). The assistant Democratic leader.

Mr. DURBIN. Mr. President, I listened to this debate very carefully because I have great respect for both of the Senators—the Senator from Alaska and the Senator from South Dakota.

I have seen both of them operate as effective legislators on the floor of the U.S. Senate. I have seen both of them entertain amendments, both friendly and not so friendly, on the floor of the

Senate and deal with them in a fair fashion. I have seen both of them use the U.S. Senate to achieve legislative goals, some that I shared and some that I didn't share.

But I have to ask them, in all candor, as I listened to the speech about preserving the Senate as we know it, if they are really taking a look around at the Senate as we know it. Do you know how many amendments were debated on the floor of the U.S. Senate in the year 2019—in the entire year? America's greatest deliberative body considered 22 amendments in that year. Six of them were offered by one Senator—Senator RAND PAUL, the junior Senator from Kentucky. You remember them, as I do. He basically said: Here is a gun to your head. If you want to go home, I get a vote. He got his vote. And as he reminded me, he lost every one of those amendments. So 6 of the 22 amendments were, frankly, one Senator's effort to have a recorded vote, and that is all it was.

Sixteen substantive amendments in a year, and you are arguing that we cannot change the Senate, we cannot transform the Senate, we cannot consider changes to the rules of the Senate. I know better.

I know that you are a good legislator, and you are as well, Senator. I know that you can take a bill through a committee, bring it to the floor, defend it on the floor, and go through the amendment process. We all know that that is how the Senate was designed to work.

What happened? What happened to the Senate? Well, if you take a look at the number of cloture motions to end a filibuster that were filed some 13 years ago, they averaged about 68 a year. Do you know how many we now have? Over 250 a year.

This is out of control. It is so much out of control that when you take a look at the ordinary business of the U.S. Senate and you take a look at the memories you may have of passing a budget resolution, we don't do that anymore, do we? You take a look at passing appropriation bills. You remember sitting on the Appropriations Committee and proud to be there, as I am too. I loved that committee. It was a great committee to serve on. We actually took agencies and went through hearings and drew up budgets and took them to Appropriations subcommittees and actually considered amendments in the committee and then brought them to the floor and had amendments on the floor. Yes, that happened in your political lifetime and in mine. It no longer occurs. Do you understand the Senate which you are defending is a Senate which no longer engages in that kind of debate?

What does it boil down to? There were meetings of the Big 4 or the Big 8, or whatever number there happens to be. They decide all 12 appropriations bills, and we sit on the outside of the room holding our hands patiently, hoping that something we wanted is in-

cluded. Is that the Senate that you ran for? Is that the Senate you do not want to change? Tell me seriously. It can't be.

Those of us on this side of the aisle say to younger Members: You would have loved the Senate if you just could have seen it, but you have only been here 6 years. So you missed it.

There was a time when we did debate on the floor. Do you remember when Dodd-Frank came to the floor? Senator Dodd and Senator SHELBY were managing that bill. This was the most dramatic change in Wall Street policy in a generation or more. I remember it because I offered what I believe was the 25th amendment on the floor—25 amendments on this bill that had already come out of the Banking Committee. I offered the 25th amendment on debit cards, and they announced that it would be a 60-vote margin. All the others had been a simple majority to that point. I surprised everybody, including myself, and passed that amendment. And then more were offered.

Do you remember the immigration reform bill? Do you recall what happened there? I can tell you because I was on the Gang of 8 that wrote the bill. We went through the Judiciary Committee, and Senator Jeff Sessions of Alabama was determined to derail the bill. He said: I have dozens of amendments, and I am going to offer them all. Well, he stopped at about 20 because he wasn't passing most of his amendments. Then it came to the floor, and we faced the same amendment process, amendment after amendment, and the bill was passed on the floor of the Senate.

That was within my political lifetime and yours as well. It worked. Why is it not working now? Why is this such an empty Chamber? Why are there all of these empty desks when there are so many things that need to be done in America? Because we have stopped legislating. We have stopped debating. We have stopped amending.

You say: Boy, we have to preserve this. We have to do everything we can to preserve this.

We know better than that. This is not the Senate that we are witnessing. This is some aberration, some use of the filibuster.

In the first 3 years, with Senator MCCONNELL in charge, we had more filibusters and cloture votes than in the entire history of the U.S. Senate. It is out of control, my friends, my colleagues, fellow Senators.

It is out of control, my friends, my colleagues, my fellow Senators. I don't know what the answer is in terms of rule changes, but I will tell you this.

Mr. THUNE. Would the Senator yield for a question?

Mr. DURBIN. In just one moment.

I will tell you this: To argue that we need to preserve this is to really discourage anyone from becoming a Member of this body if we are not going to legislate, if we are not going to tackle the real issues of our time.

I look at the Presiding Officer. He stepped up on the last immigration debate that we had on a bipartisan measure. I thank him for doing it. It wasn't easy, politically. That was what the Senate once was not that long ago.

I do yield for a question.

Mr. THUNE. Mr. President, would the Senator from Illinois agree, however—because I think it is important to point out that this is not something that happened in the last few years. The Senator from Alaska had a colleague elected in 2008 who, when he ran again for election in 2014, the argument could be made against him that he had never gotten a vote on the floor of the U.S. Senate on a single amendment in a 6-year term in the Senate.

I came here in 2005. In the first 8 years that I was here as a Senator, I witnessed time and again the very thing you are talking about, where amendments were shut down, the tree was filled, in the parliamentary language that we use here in the Senate.

So I would ask the Senator: Is this not a—this is not an issue that has cropped up in the last few years. Is this not a problem that originated some time ago and, as the Senator is suggesting, that we need to do away with the supermajority requirement that requires us here as Senators to work together in a bipartisan way to find common ground to fix what ails the Senate?

I would argue and a lot would argue that what ails the Senate right now requires nothing more than behavioral change. We have to agree that when somebody offers an amendment on one side, that it is not going to be blocked immediately and we get into this lockdown. That is what happened in recent years and in the last couple of examples we have had, as recently as last week, blocking the motion to proceed to the bill.

I mean, if you want to have an amendment process, you have to get on the bill in the first place. That has been, now, the routine that has been executed by the minority, is to prevent even a motion to proceed, which would enable us to get to an amendment process.

So this is not something that happened when Senator MCCONNELL came; this was happening well before that. As I pointed out, the Senator from Alaska's colleague went through an entire 6-year term without getting a vote—a Democratic colleague—when he was in the majority here in the Senate.

Mr. DURBIN. I would say to the Senator from South Dakota, thank you. I said earlier, and I meant it—I think you are a good legislator, as are the Senator from Alaska and many others, and given a chance, you prove it. We just don't get the chance anymore. No budget resolution. No appropriations bills. One bill, really, of any substance comes to the floor of the Senate each year now. It is the Defense authorization bill, by tradition. Come hell or high water, we are going to bring up

that bill. And I am glad we do, but that is it. End of story. The rest of the time, what do we spend our days doing? Watching the clock go by for 30 hours so we can have a vote on the next nomination. Is that the Senate you ran for? Is that why you went through the sacrifice and asked your family to join you in that sacrifice to be in public life? No. Not for me, it isn't. I am here to do something. I think we can do something. We have proven it in the past.

The Affordable Care Act. Books will be written—they have already been written about what it took to finally pass it, but eventually it was enacted into law and signed by the President and changed the lives of millions of Americans. I am glad I voted for it. It was not a bipartisan effort at any stage. I wish it were.

The point I am getting to is this: I don't know what the answer is in terms of changing the rules, but I am not going to stand in defense of the status quo. I do not believe the notion that we cannot touch the Senate and its traditions really is defensible in light of what we have seen on the Senate floor for the last several years—years.

I just have to tell you, I am surprised now that the Republican position articulated by your leader and by the whip is status quo: Leave it as is. It is fine. It is just great. Don't you change the Senate.

Well, I think the Senate needs to change.

Mr. THUNE. Mr. President, I have one last question for the Senator from Illinois.

I don't disagree that, again, we can do a better job—both sides—of making the Senate a more open place where we have an opportunity to debate, which I think is the history and tradition of the Senate, but I don't think blowing up the Senate rules accomplishes that.

I just want to read for you from this morning—I was on the floor here, but in an interview on NPR, the junior Senator from Massachusetts was asked if there are parts of the Green New Deal that might attract bipartisan support. How did he reply? He replied that we need to enact the whole thing, and if Republicans disagree, Democrats should eliminate the filibuster.

Now, wanting to preserve the filibuster doesn't mean we can't reform the Senate, but it does mean that we shouldn't allow a majority to steamroll a minority. That is what the filibuster and the rules of the Senate were designed to protect.

What your Members are talking openly about doing—including your leader—is nuking the filibuster, blowing up the Senate, and changing and transforming it in a way that will transform not only the Senate and the way the government, I think, was designed to work by our Founders but also transform the country.

Mr. DURBIN. Mr. President, I would love the junior Senator from Massachusetts to address that question him-

self when he gets his chance on the floor.

Ms. MURKOWSKI. Mr. President, will the Senator yield for one last question?

Mr. DURBIN. Happy to yield.

Ms. MURKOWSKI. Mr. President, to follow the Senator from South Dakota's comments about using the tool that would effectively blow up the Senate, if you will—these are not words that we use freely, but I think it is fair to suggest that utilizing this tool that would eliminate the filibuster, that would eliminate, really, the strongest tool for a minority party, is akin to the nuclear option. We use that term around here in legislative prose.

I would agree with much of what you have said. You and I have served on the Appropriations Committee now for years. We have had an opportunity to be engaged in good, substantive debates that have yielded good, substantive, enduring laws.

As I think about our role around here, it is not just to engage in the partisan message of the day; it is actually to enact laws. But when we enact laws that are good for just one party, that are wholly partisan, you can kind of predict the direction that will be taken when that minority party that voted against that particular policy then regains power and takes the majority and then attempts to overturn whatever that policy may be.

When we think about ways that we can help an economy that is struggling right now, one of the things that I am hearing from businesses is this: The one thing we would really like out of Washington, DC, the one thing we would really like is some level of certainty with policies, that it is not kind of this whiplash, back and forth from one administration to the next.

Well, the way you do that is through a level of consensus. As we know, on this floor right now, where it is still pretty quiet, consensus has been harder and harder to achieve on a bipartisan basis. Maybe this is a place in time where we are, and it is just dark. As our friend John McCain would say: It is always darkest before it goes pitch-black. Well, maybe we are getting close to the pitch-black. One can only hope.

But I do hear your words that the status quo is not acceptable. I agree with you, my friend. It is not acceptable. It is not acceptable that we are in that place where we can't get votes on amendments that are legitimate and pertinent to the legislation that we have.

I am trying to advance an energy bill right now, to get to final passage, and we are going through the procedural hurdles. I will work through those. But we are at a point where, as an institution, I believe we are failing. We are failing the American public. We are failing our constituents. We are failing in our role in governing.

I do think that when people look to the anxiety that is at play right now with our national elections, with a

Presidential election that is as volatile as we have seen, if there is some level of comfort and security that they might have, they might think that just maybe the Congress, maybe the Senate, can get its act together and be working together.

So I hear you. The status quo is not acceptable. I am not one who is going to say we can't change any of the rules, but we have to do better. Whether it is behavioral attitudes that need to change or whether we need to work together to change the rules, that is where we should be, not unilaterally bomb-throwing, not unilaterally making the decision that is going to benefit our party today, and then when we lose the majority, we will deal with it later. We owe it to the Senate and we owe it to the country to do better.

I appreciate this back-and-forth today. I would welcome other colleagues to join us. I would hope that we look very, very closely at where we are right now because we are using our own rules to do damage to the institution of the Senate.

So let's not take the last tool that holds us in check—this filibuster—and throw it away as well because we will regret it. In the meantime, let's figure out what we can be doing as Democrats and Republicans to do better for the institution of the Senate and do better for the American people.

I apologize. That wasn't by way of a question; it was occupying the time of the Senator from Illinois. But I think we have a lot of work to do here, and I hope we are able to do it together.

I yield the floor.

Mr. DURBIN. Mr. President, with her permission, I will add a question mark to the end of that statement to the Senator from Alaska, to thank her and warn her that we are coming dangerously close to debating on the floor of the Senate. It almost never happens, and we are coming close to it.

We are actually asking one another: Do we have to change the rules to finally make the Senate work, or is there another way? I am open to other ways. I am open to demonstrations of that. But I will tell you, it is a frustration. It is the determination to make certain that, for the people of Illinois who returned me to the Senate, we actually do something, achieve something; that we go home, win or lose, with the feeling that we have been engaged in a process that respected our rights as individual Senators and ended in a vote up or down and a measure passed or failed. That, to me, is why I ran for this job, and I think probably for yourself as well. We are not there, and we are not close to being there.

CORONAVIRUS

Mr. President, to date, we have lost nearly 200,000 Americans to the coronavirus, and we are quickly approaching 7 million cases in the United States.

This virus has changed life as we know it, and Americans are in need of help from Congress. However, despite