

The result was announced—yeas 12, nays 86, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—12

Ayotte	Crapo	Murkowski
Carper	Kyl	Portman
Coats	Lieberman	Risch
Coons	McCain	Toomey

NAYS—86

Akaka	Gillibrand	Moran
Alexander	Graham	Murray
Barrasso	Grassley	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Heller	Pryor
Bingaman	Hoeben	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Roberts
Boozman	Inouye	Rockefeller
Boxer	Isakson	Rubio
Brown (MA)	Johanns	Sanders
Brown (OH)	Johnson (SD)	Schumer
Burr	Johnson (WI)	Sessions
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Lee	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Hatch Kirk

The amendment (No. 1742) was rejected.

AMENDMENT NO. 1830

Mrs. BOXER. Mr. President, I send a managers' package to the desk which has been approved by both managers and both leaders. Under the provisions of the previous order, I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. BOXER. Mr. President, I understand that Senator SHAHEEN no longer intends to offer her amendment, so we can strike that from the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the Republican leader and I have had discussions this afternoon, but I think it is fair to say he and I both believe we should finish this bill tomorrow. There is a very important event tonight—it may not mean much to anyone outside the Senate family, but it is to us, being able to recognize SUSAN COLLINS on a very special occasion in her life—and we are going to leave here so people who want to go to that event can do so.

We will come in tomorrow, and we will have about three or four votes to complete. We are having some other

conversations, Senator MCCONNELL and I, about other matters, and we will discuss that later. There will be no more votes tonight.

The PRESIDING OFFICER. For the information of the Senate, the managers' package just agreed to is amendment No. 1830, offered by Senator BOXER.

The Senator from California.

Mrs. BOXER. Mr. President, I just wanted to go on record tonight as saying we have made just incredible progress on this bill, and I look forward to tomorrow, where we will complete work on it. I think we are showing bipartisan spirit here and bipartisan cooperation. It is important to note that 2.8 million jobs hang in the balance.

So we will see everyone tomorrow. I feel very good we are going to pass our bill, and with that I suggest the absence of a quorum—I withdraw that.

The PRESIDING OFFICER. The Senator from Louisiana.

VISIT TO THE SENATE BY JEAN-PIERRE BEL, PRESIDENT OF THE FRENCH SENATE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the president of France's senate be permitted to join us on the floor for a few minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, with that, I would say au revoir, and I will see everybody in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 5:36 p.m., recessed subject to the call of the Chair and reassembled at 5:49 p.m., when called to order by the Presiding Officer (Mr. CASEY).

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

CHANGE OF VOTE

Ms. AYOTTE. Mr. President, on rollcall vote 28, I voted aye. It was my intention to vote nay; therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

Ms. AYOTTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that I can speak in morning business for 20 minutes.

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

JUDICIAL NOMINATIONS

Mr. GRASSLEY. Mr. President, I want to talk about judicial nominations. I come to the floor many days to talk about judicial nominations. Most of my remarks at those times as well as this time are to respond to some of the claims made by my colleagues from the other side of the aisle. If you listened to some of my colleagues over the last couple of days, you would think the sky is falling on the issue of judicial nominees. They act as if the Senate is treating President Obama's judicial nominees differently than nominees have been treated in the past. This is simply not true.

A fair and impartial look at the numbers tells a far different story. The fact of the matter is that President Obama's nominees are being treated just as well, and in many cases much more fairly, than the Democrats treated President Bush's nominees. I want to take a few minutes to set the record straight.

Let me start by taking a brief look at 17 cloture motions that the majority has filed. Seven of those nominees were reported out of the Judiciary Committee within the last month and three of them were reported just last week. That is without precedent. To our knowledge the majority, Republican or Democrat, has never filed cloture on district court nominees within a month of them being reported out of the Judiciary Committee. That accounts for 7 of the 17.

What about the other 10 nominees? What our colleagues fail to mention is that they could have gotten a majority of those nominees confirmed at the end of the last session, just before recessing at Christmastime. Our side cleared quite a few nominees and we offered to confirm them as a package the end of last session. However, the President refused to offer assurances that he would not bypass the Senate and make so-called recess appointments.

I made a mistake when I said when the Senate adjourned just prior to Christmas, or recessed just prior to the session. We did neither. We stayed in session during the period of time from December 18 until January 24. In other words, the President was not in a position to make recess appointments because we were not in recess.

And of course, the President does not have the power, under our Constitution, to determine whether or not the