I also believe the Standing Order that is part of today's agreement will give the majority leader new tools for overcoming the wholesale Republican obstruction of President Obama's judicial nominations. As chairman of the Judiciary Committee, I have been especially concerned about the damage being done by Republican obstruction to the Senate's unique responsibility for ensuring that the judicial branch has the judges it needs to do its job. Over the last 4 years, Senate Republicans have abandoned this constitutional responsibility, using unprecedented filibusters to delay and obstruct President Obama from appointing to the Federal bench even judicial nominations that have bipartisan support. As a result of this brand of Republican obstruction, we begin President Obama's second term with the Judiciary nearly 20 percent below where it needs to be in terms of judges, and a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people.

Senate Republicans have already forced the majority leader to file cloture on 30 of President Obama's judicial nominations, almost all of which were noncontroversial and were ultimately confirmed overwhelmingly. Yet the Senate rules give the minority the ability to demand 30 hours of floor time even after a supermajority of the Senate has voted to end the filibuster of a judicial nomination. This extended debate time is meant to give the Senate a chance to consider amendments that are germane to a bill so it serves no purpose for judicial nominations. Rather, it has been used by Senate Republicans as a threat to obstruct the Senate for days just to get to a vote on each of these noncontroversial nominations. Such an approach has made it easier for a silent minority of Senate Republicans to make the costs too high for the majority leader to push for votes on nominees and has led directly to the unnecessary and damaging backlog of judicial nominations we have seen for years on the Senate calendar.

The agreement reached today has a good chance of curtailing this type of abuse of the rules in this Congress by reducing this extended debate time after the end of a filibuster on district court nominations from 30 hours to two hours. I believe this change will increase the ability of the majority leader to push for votes on district court nominations, where the threat by Senate Republicans of extended debate time has been particularly damaging.

Federal district court judges hear cases from litigants across the country and handle the vast majority of the caseload of the Federal courts. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best and have been confirmed promptly with that support. Never before in the 38 years I have been in the Senate have I seen anything like what has happened in the last 4 years, when we have seen district court nominees blocked for months and opposed for no good reason. Senate Republicans have politicized even these traditionally non-partisan positions, needlessly stalling them for months with no explanation.

Until 2009, Senators deferred to the President and to home State Senators on district court nominees. During the 8 years that George W. Bush served as President, only five of his district court nominees received any opposition on the floor. In just 4 years, Senate Republicans have voted against 39 of President Obama's district court nominees, and the majority leader has been forced to file cloture on 20 of them, with many more left to linger month after month without a vote on the Senate calendar due to the threat by Republicans to require half a legislative week or more just to confirm one of them. As a result, it has taken the Senate more than three times as long to vote on President Obama's district court nominees as it did to vote on President Bush's.

The agreement reached today will blunt the ability of Senate Republicans to block important legislation and district court nominations without accountability merely by the threat of burning so much Senate time. I wish that the proposal also applied to Federal circuit court or Supreme Court nominations, where the extended postcloture debate time also serves no purpose. But the progress I believe we will make as a result of this bipartisan compromise is a good first step towards helping us reduce the extended backlog of judicial nominations created by Republican obstruction and should result in more judges serving the American people.

There is no question that the reforms sought by many Democratic Senators are justified by the extended and unprecedented abuse of the Senate rules and practices by Senate Republicans that began when President Obama took office. However, I hope that by reaching this bipartisan agreement we build a foundation for restoring the Senate's ability to fulfill its constitutional duties and do its work for the American people. Now the burden is on Senate Republicans to work with us rather than hide behind an abuse of the rules to block progress.

The American people want Congress to be able to solve national problems like disaster relief, comprehensive immigration reform, and the reauthorization of the Violence Against Women Act. They want us to work together on commonsense solutions to reduce gun violence and to ensure that all Americans have access to a working Federal court system. I hope that today's bipartisan compromise holds the promise of getting more done to help the American people. I look forward to working with those on both sides of the aisle in the coming months.

The PRESIDENT pro tempore. The majority leader is recognized.

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of the following resolutions en bloc: S. Res. 5, Harkin; S. Res. 15, a resolution providing a standing order to improve procedures for the consideration of legislation and nominations in the Senate; and S. Res. 16, a resolution amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Further, Mr. President, that the time until 7:55 p.m. be equally divided between the two leaders or their designees for the purpose of debating these resolutions concurrently; that the only amendment in order to any of the resolutions is a Lee amendment to S. Res. 15, that upon use or yielding back of time, the Senate proceed to vote in relation to S. Res. 5; that upon disposition of S. Res. 5, the Senate vote in relation to the Lee amendment to S. Res. 15; that upon disposition of the Lee amendment, the Senate proceed to vote in relation to S. Res. 15, as amended, if amended, and S. Res. 16, in that order with no intervening action of debate; that S. Res. 15 be subject to a 60-vote threshold for adoption; further, that S. Res. 16 be subject to a threshold of two-thirds of those voting for adoption; that there be no other amendments, motions, or points of order in order to any of these resolutions prior to the votes in relation to the resolutions; finally, none of the resolutions be divisible.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

A resolution (S. Res. 15) providing a Standing Order to improve procedures for the consideration of legislation and nominations in the Senate.

A resolution (S. Res. 16) amending the Standing Rules of the Senate relative to conference motions and bipartisan cloture motions on the motion to proceed.

The PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I yield the time on this side to the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. LEE. Mr. President, in just a moment I will be offering an amendment to S. Res. 15. The purpose of this amendment is to protect this institution as the world's greatest deliberative legislative body. The hallmark characteristics of this body that make it distinct, that make it both great and

deliberative, include the fact that as individual Senators we are supposed to have the right to participate in an open and robust debate that includes an open amendment process. This is historically one of the things that has defined this institution. It is naturally the outgrowth of the fact that pursuant to article V of the Constitution, each State of the Union is entitled to equal representation in the Senate.

So as we are talking tonight, we have to remember that we are not talking about the rights of the minority or the majority. We are talking about the rights of each individual Senator having been duly elected by the voters in his or her State. I have a concern that some of the implications of S. Res. 15 could undermine this characteristic of the Senate. In other words, S. Res. 15, while crafted with the very best of intentions, could be applied at some point so as to undermine this right of each and every Senator to offer an amendment.

What my amendment does is to guarantee that once this procedure, the procedure under the standing order created by S. Res. 15—once it has been invoked, every Senator in this body would have the right to file, postcloture, a germane amendment to the pending legislation.

I think the history, the custom, and the tradition of this body and all the things that have made this body great require nothing less than that.

I urge my colleagues to support this amendment once we bring it up.

I yield my time.

Mr. REID. I yield 1 minute to the Senator from Iowa.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I have long believed that rule XXII does not define the Senate. The Senate is defined in the Constitution, and it does not mention rule XXII or filibusters.

Second, I do not believe the dead hand of the past should control any Senate now or in the future.

Third, I believe the filibuster should be used to slow things down, to make sure the minority has the right to offer amendments and to have them debated and voted on. It does not mean the minority has a right to win, but they have the right to debate and slow things down. The filibuster should not be used as a method to put things in the trash can.

As George Washington supposedly said to Jefferson, it was to cool things down. I can understand that. But the filibuster has been used, and it will still be used even in the future, so that the minority can stop the majority. I have long believed the majority should have the right to enact legislation with due regard for the rights of the minority to be able to offer amendments and slow things down. But that is not what is happening and that is what my proposal I first offered in 1995, and continue to offer today, would do.

Yes, it would protect the filibuster as a means of slowing things down, but eventually the majority would be able to act, and that is as I think the Founders and the drafters of our Constitution really meant it to be.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I believe I have no further requests for time on this side. If that, in fact, is the case, and the Republican leader has no request for time, I yield whatever time I have.

Mr. MCCONNELL. I yield whatever time we have.

The PRESIDENT pro tempore. All time is yielded back. The question is on agreeing to S. Res. 5.

The resolution (S. Res. 5) was rejected.

The PRESIDENT pro tempore. The pending business is S. Res. 15.

AMENDMENT NO. 3

Mr. LEE. I call up my amendment.

The PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. LEE] proposes an amendment numbered 3.

Mr. LEE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate)

At the end of the resolution, insert the following:

SEC. _____. REFORM THE FILIBUSTER RULES.

(a) MOTIONS TO PROCEED.—Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended by striking ''to proceed to the consideration of bills and resolutions are debatable.'' and inserting the following: ''to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

''(a) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

''(b) a motion to proceed to executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.''.

(b) NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by adding at the end the following:

''If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to the disposition of the measure without intervening action or debate except one quorum call if requested.''.

(c) ONE MOTION RELATED TO COMMITTEES ON CONFERENCE.—Rule XXVIII of the Standing Rules of the Senate is amended by adding at the end the following:

''10. (a) A single motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and authorize the Chair to appoint conferees on the part of the Senate shall be in order, shall not be divisible, and shall not be subject to amendment.''.

(d) TIME PRE-CLOTURE.—Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first undesignated subparagraph—

(A) by inserting ''for a measure, motion, or other matter that is subject to amendment, at any time after the end of the 12-hour period beginning at the time the Senate proceeds to consideration of the measure, motion, or other matter and, for any other measure, motion, or other matter,'' before ''at any time'';

(B) by striking ''any measure'' and inserting ''the measure''; and

(C) by striking ''one hour after the Senate meets on the following calendar day but one'' and inserting ''24 hours after the filing of the motion''; and

(2) in the third undesignated subparagraph, by striking the second sentence and inserting ''Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.''.

(e) ABILITY OF SENATORS TO OFFER AMENDMENTS.—Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6. (a) If cloture is invoked on a measure or matter that is subject to amendment, each Senator who has not offered an amendment during consideration of the measure or matter may offer 1 amendment to the measure or matter (without regard to whether the amendment is actually pending and notwithstanding the expiration of the time for consideration of the measure or matter under paragraph 2 of rule XXII or any other rule of the Senate) if—

''(1) the Senator submitted written notice of the intent of the Senator to offer an amendment in accordance with this paragraph not later than 12 hours after the filing of the motion to invoke cloture on the measure or matter; and

''(2) the amendment is timely filed, germane, and otherwise meets the requirements for an amendment under paragraph 2 of rule XXII.

''(b) If a Senator fails to submit written notice in accordance with subparagraph (a), the right to offer an amendment under this paragraph is forfeited.

''(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the Chair that an amendment offered under this paragraph is not germane.''.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 3) was rejected.

The PRESIDENT pro tempore. The question is now on agreeing to S. Res. 15.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), and the Senator from South Carolina (Mr. GRAHAM).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 16, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—78

Alexander	Franken	Merkley
Ayotte	Gillibrand	Mikulski
Baldwin	Grassley	Moran
Barrasso	Hagan	Murkowski
Baucus	Harkin	Murphy
Begich	Heinrich	Murray
Bennet	Heitkamp	Nelson
Blumenthal	Hirono	Portman
Blunt	Hoeven	Pryor
Boozman	Inhofe	Reed
Boxer	Isakson	Reid
Brown	Johanns	Roberts
Cantwell	Johnson (SD)	Rockefeller
Cardin	Kaine	Schatz
Carper	Kerry	Schumer
Casey	King	Shaheen
Cochran	Kirk	Stabenow
Collins	Klobuchar	Tester
Coons	Lautenberg	Thune
Corker	Leahy	Udall (CO)
Cornyn	Levin	Udall (NM)
Donnelly	Manchin	Warner
Durbin	McCain	Warren
Enzi	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Fischer	Menendez	Wyden

NAYS—16

Crapo	Lee	Sessions
Cruz	Paul	Shelby
Flake	Risch	Toomey
Hatch	Rubio	Vitter
Heller	Sanders	
Johnson (WI)	Scott	

NOT VOTING—6

Burr	Coats	Graham
Chambliss	Coburn	Landrieu

The PRESIDENT pro tempore. The 60-vote threshold having been achieved, the resolution is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 15) reads as follows:

S. RES. 15

Resolved,

SECTION 1. CONSIDERATION OF LEGISLATION.

(a) MOTION TO PROCEED AND CONSIDERATION OF AMENDMENTS.—A motion to proceed to the consideration of a measure or matter made pursuant to this section shall be debatable for no more than 4 hours, equally divided in the usual form. If the motion to proceed is agreed to the following conditions shall apply:

(1) The first amendments in order to the measure or matter shall be one first-degree amendment each offered by the minority, the majority, the minority, and the majority, in that order. If an amendment is not offered in its designated order under this paragraph, the right to offer that amendment is forfeited.

(2) If a cloture motion has been filed pursuant to rule XXII of the Standing Rules of the Senate on a measure or matter proceeded to under this section, it shall not be in order for the minority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 1:00 p.m. on the day following the filing of that cloture motion, for the majority to propose its first amendment unless it has been submitted to the Senate Journal Clerk by 3:00 p.m. on the day following the filing of that cloture motion, for the minority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 5:00 p.m. on the day following the filing of that cloture motion, or for the majority to propose its second amendment unless it has been submitted to the Senate Journal Clerk by 7:00 p.m. on the day following the filing of that cloture motion. If an amendment is not timely submitted under this paragraph, the right to offer that amendment is forfeited.

(3) An amendment offered under paragraph (1) shall be disposed of before the next amendment in order under paragraph (1) may be offered.

(4) An amendment offered under paragraph (1) is not divisible or subject to amendment while pending.

(5) An amendment offered under paragraph (1), if adopted, shall be considered original text for purpose of further amendment.

(6) No points of order shall be waived by virtue of this section.

(7) No motion to commit or recommit shall be in order during the pendency of any amendment offered pursuant to paragraph (1).

(8) Notwithstanding rule XXII of the Standing Rules of the Senate, if cloture is invoked on the measure or matter before all amendments offered under paragraph (1) are disposed of, any amendment in order under paragraph (1) but not actually pending upon the expiration of post-cloture time may be offered and may be debated for not to exceed 1 hour, equally divided in the usual form. Any amendment offered under paragraph (1) that is ruled non-germane on a point of order shall not fall upon that ruling, but instead shall remain pending and shall require 60 votes in the affirmative to be agreed to.

(b) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

SEC. 2. CONSIDERATION OF NOMINATIONS.

(a) IN GENERAL.—

(1) POST-CLOTURE CONSIDERATION.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination described in paragraph (2), there shall be no more than 8 hours of post-cloture consideration equally divided in the usual form.

(2) NOMINATIONS COVERED.—A nomination described in this paragraph is any nomination except for the nomination of an individual—

(A) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(B) to serve as a judge or justice appointed to hold office during good behavior.

(b) SPECIAL RULE FOR DISTRICT COURT NOMINEES.—If cloture is invoked in accordance with rule XXII of the Standing Rules of the Senate on a nomination of an individual to serve as a judge of a district court of the United States, there shall be no more than 2 hours of post-cloture consideration equally divided in the usual form.

(c) SUNSET.—This section shall expire on the day after the date of the sine die adjournment of the 113th Congress.

STANDING ORDER

Mr. REID. Mr. President, I ask unanimous consent for the Republican leader and me to have a brief colloquy about the application of the standing order related to motions to proceed and nominations that the Senate will consider. The template for this order was a bipartisan proposal developed by Senators LEVIN and MCCAIN and other Members on both sides of the aisle.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. The proposal, as initially developed, provided that the bill managers and the floor leaders of the respective parties would be able to offer one amendment each if the motion to proceed to a matter were employed as it is available in the standing order. The majority leader and I thought it important not to codify who would offer those amendments on each side of the aisle.

Mr. REID. In addition, the amendment process set out in this order is not to be understood as establishing a ceiling for offering amendments, but instead setting a floor for offering them. The order sets out a structure for beginning the amendment process, not ending it.

Mr. MCCONNELL. I agree. The Senate works best when all Members have a reasonable opportunity to offer amendments and put forth the views of their constituents.

Mr. REID. And although the order provides that in the amendment sequence, the majority party has the ability to offer the last amendment, the majority will not use that last amendment to eliminate or remove language, if any, that the minority was able to add to the underlying matter through the Senate adopting any of the minority's preceding amendments.

Mr. MCCONNELL. On the subject of nominations, Senate Republicans will continue to work with the majority to process nominations, consistent with the norms and traditions of the Senate. One of those customs is for home-State senators to be consulted on, and approve of, nominations from their States before the committee on the Judiciary moves forward with considering those nominations, be it a nomination to serve as a U.S. Attorney, U.S. Marshall, or judicial officer. It is my understanding that the order does not change, in any way, the Senate's ''blue slip'' process.

Mr. REID. I agree. Furthermore, it is our expectation that this new process for considering nominations as set out in this order will not be the norm, but that the two leaders will continue to work together to schedule votes on nominees in a timely manner by unanimous consent, except in extraordinary circumstances.

Mr. MCCONNELL. Finally, I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules this Congress unless they went through the regular order process?

Mr. REID. That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process including consideration by the Rules Committee.

Mr. MCCONNELL. I thank the majority leader for confirming my understanding of the application of the standing order.

Mr. REID. In addition to the standing order, I will enforce existing rules to make the Senate operate more efficiently. After reasonable notice, I will insist that any Senator who objects to consent requests or threatens to filibuster come to the floor and exercises his or her rights himself or herself. This will apply to all objections to unanimous consent requests. Senators should be required to come to the floor and participate in the legislative process—to voice objections, engage in debate, or offer amendments.

In addition, Rule XXII makes provision for 30 hours of debate after cloture is invoked. Within the 30 hours, Senators have strict limitations on the amount of time each Senator is allowed to speak. These limits should be enforced and Rule XXII further says, ''After no more than thirty hours of debate,'' so 30 hours will be considered the outside limit of post-cloture debate time.

Finally, we will also announce that when the majority leader or bill manager has reasonably alerted the body of the intention to do so and the Senate is not in a quorum call and there is no order of the Senate to the contrary, the Presiding Officer may ask if there is further debate, and if no Senator seeks recognition, the Presiding Officer may put the question to a vote. This is consistent with precedent of the Senate and with Riddick's Senate Procedure, 1992. See page 716 in Riddick's and footnotes 385 and 386 on page 764. This can be done pre-cloture or post-cloture on any amendment, bill, resolution or nomination.

Mr. MCCONNELL. This is consistent with the precedent of the Senate with the understanding that Senators are given the timely notification of the Presiding Officer's intention so that they will be able to come to the floor to exercise their rights under the rules.

MOTION TO PROCEED

Mr. MCCAIN. Mr. President, I ask that Senators ALEXANDER and BARRASSO engage in a colloquy with me about our understanding of the operation of the standing order that the Senate just adopted related to motions to proceed and nominations, and our intent in drafting it.

The prospect of the majority, for the first time, changing the Standing Rules of the Senate by violating the provisions of those very rules was jarring to me and several of my colleagues, on both sides of the aisle, who care about this institution and the uniquely important role it serves in our Republic. Use of this unprecedented tactic for changing the standing rules would be a nuclear option, for it would irreparably damage the institution just to accommodate the desires of the current majority. Over the years Senators of both parties have eloquently stated where doing this would, in the words of the current majority leader in 2005, be: ''The end of the U.S. Senate.''

Mr. MCCAIN. Some of the most vociferous proponents of this approach have never served in the minority. They do not appreciate that the course of action they were urging, if undertaken, ultimately would be to their disadvantage when they served in the minority, which inevitably some of them will. So Senators ALEXANDER, BARRASSO and I, along with our former colleague, Jon Kyl, began working with like-minded Members of the majority to diffuse this situation to meet the goals of making it easier for the majority to bring legislation to the floor and making it easier for a member of the minority to offer amendments to that legislation. We worked together to develop recommendations for the majority and minority leaders which we all believed would allow the Senate to function in a fairer and more effective way.

Mr. ALEXANDER. The Senate works best when committee-approved bills move to the floor in an orderly way and Senators are freely able to debate and amend and vote upon the legislation. Unfortunately, under the current Democratic majority, committee work has been marginalized, as the majority has too often bypassed committees in the legislative process.

And on the Senate floor, the twin hallmarks of the Senate, the right to debate and the right to amend legislation, are barely recognizable: to an unprecedented extent the majority has moved to shut off debate on a matter as soon as the Senate has begun to take up the matter, and it has blocked Members—of both parties—from offering their legislative ideas for the body to consider.

The proposal we developed addressed a concern of the majority—namely, the ability of a majority to take up a matter—but it conditioned its ability to bring that matter to conclusion by giving the minority the right to have the Senate consider at least two amendments of the minority's choosing—without any requirement of germaneness—as well as two amendments of the majority's choosing.

The minority, in fact, would get to offer the first amendment under this procedure. And while the majority would get to offer the last amendment, all eight of the Members who developed this idea—four Republicans and four Democrats—agreed that the majority could not use its final amendment to strike or eliminate legislative language, if any, that the Senate adopted from one of the minority's amendments.

Mr. MCCAIN. That is correct. And I want to underscore that the amendment construct we developed is not to be used as a ceiling to limit the ability of Members of the majority or the minority to offer just two amendments per side. Rather, we intend it to be used as an amendment floor—a minimum guarantee of amendments—that would serve to start the amendment process so as many Members as possible could participate in that process. Having a robust amendment process, especially on legislation of major consequence, is how the Senate has traditionally operated. It is something that has been sorely lacking for the last several years. And it is something that, when it has occurred, has invariably led to legislative achievement. It is for the purpose of strengthening the right to amend legislation that we helped draft the new procedure of a majority motion to proceed. If the majority instead begins to use this procedure to limit the minority to just two amendments before seeking to bring consideration of a bill to a close, then we would view that as an abuse of this procedure. It would break faith with us who worked in good faith. Under those circumstances, we would oppose cloture on the bill and would urge that our colleagues do the same.

Mr. ALEXANDER. I strongly agree with the understanding of my friend, the senior Senator from Arizona. I, too, would oppose cloture on a matter if the majority abused the motion to proceed set out in the order by using that procedure as the high-water mark for the consideration of amendments, rather than as a starting point for a robust amendment process.

Mr. BARRASSO. I agree with the views expressed by my good friends from Arizona and Tennessee. They and I, and our Democratic colleagues, worked in good faith on the concepts embodied in the order the Senate has just adopted. I am hopeful that the majority will use the procedures in this order in harmony with our good intentions. If not, I will oppose cloture on legislation or nominations.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, thank you very much.

We are going to have one more vote tonight. The next vote will be on Sandy and matters relating to Sandy on Monday night at 5:30.

I have spoken with the soon-to-be chair of the Foreign Relations Committee and Ranking Member CORKER. We are going to have a vote after the business meeting sometime on Tuesday on the new Secretary of State.

The PRESIDENT pro tempore. The question is on agreeing to S. Res. 16.

Mr. CORKER. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), and the Senator from South Carolina (Mr. GRAHAM).

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

The yeas and nays resulted—yeas 86, nays 9, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—86

Alexander	Gillibrand	Mikulski
Ayotte	Grassley	Moran
Baldwin	Hagan	Murkowski
Barrasso	Harkin	Murphy
Baucus	Hatch	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Portman
Blumenthal	Heller	Pryor
Blunt	Hirono	Reed
Boozman	Hoeven	Reid
Boxer	Inhofe	Risch
Brown	Isakson	Roberts
Cantwell	Johanns	Rockefeller
Cardin	Johnson (SD)	Schatz
Carper	Kaine	Schumer
Casey	Kerry	Shaheen
Cochran	King	Stabenow
Collins	Kirk	Tester
Coons	Klobuchar	Thune
Corker	Landrieu	Toomey
Cornyn	Lautenberg	Udall (CO)
Crapo	Leahy	Udall (NM)
Donnelly	Levin	Vitter
Durbin	Manchin	Warner
Enzi	McCain	Warren
Feinstein	McCaskill	Whitehouse
Fischer	McConnell	Wicker
Flake	Menendez	Wyden
Franken	Merkley	

NAYS—9

Cruz	Paul	Scott
Johnson (WI)	Rubio	Sessions
Lee	Sanders	Shelby

NOT VOTING—5

Burr	Coats	Graham
Chambliss	Coburn	

The PRESIDING OFFICER. On this vote the yeas are 86 and the nays are 9. Two-thirds of those voting having voted in the affirmative, the resolution is agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 16) reads as follows:

S. RES. 16

Resolved,

SECTION 1. BIPARTISAN CLOTURE ON THE MOTION TO PROCEED.

Rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''3. If a cloture motion on a motion to proceed to a measure or matter is presented in accordance with this rule and is signed by 16 Senators, including the Majority Leader, the Minority Leader, 7 additional Senators not affiliated with the majority, and 7 additional Senators not affiliated with the minority, one hour after the Senate meets on the following calendar day, the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion to proceed, the question shall be on the motion to proceed, without further debate.''.

SEC. 2. CONFERENCE MOTIONS.

Rule XXVIII of the Standing Rules of the Senate is amended—

(1) by redesignating paragraphs 2 through 9 as paragraphs 3 through 10, respectively;

(2) in paragraph 3(c), as so redesignated, by striking ''paragraph 4'' and inserting ''paragraph 5'';

(3) in paragraph 4(b), as so redesignated, by striking ''paragraph 4'' and inserting ''paragraph 5'';

(4) in paragraph 5(a), as so redesignated, by striking ''paragraph 2 or paragraph 3'' and inserting ''paragraph 3 or paragraph 4'';

(5) in paragraph 6, as so redesignated—

(A) in subparagraph (a), by striking ''paragraph 2 or 3'' and inserting ''paragraph 3 or paragraph 4'';

(B) in subparagraph (b), by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(6) inserting after paragraph 1 the following:

''2. (a) When a message from the House of Representatives is laid before the Senate, it shall be in order for a single, non-divisible motion to be made that includes—

''(1) a motion to disagree to a House amendment or insist upon a Senate amendment;

''(2) a motion to request a committee of conference with the House or to agree to a request by the House for a committee of conference; and

''(3) a motion to authorize the Presiding Officer to appoint conferees (or a motion to appoint conferees).

''(b) If a cloture motion is presented on a motion made pursuant to subparagraph (a), the motion shall be debatable for no more than 2 hours, equally divided in the usual form, after which the Presiding Officer, or the clerk at the direction of the Presiding Officer, shall lay the motion before the Senate. If cloture is then invoked on the motion, the question shall be on the motion, without further debate.''.

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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

COMMITTEE FUNDING

Mr. REID. Mr. President, 2 years ago my friend the Republican leader and I expressed our intention that the funding allocation adopted for the 112th Congress would serve for that and future Congresses. Over the prior 20 years, the apportionment of committee funding had gone from a straight two-thirds for majority and one-third for minority during the 1990s, regardless of the size of the majority and minority, to biannual negotiations during the following decade. The new funding allocation for Senate committees was based on the party division of the Senate, with 10 percent of the total majority and minority salary baseline going to the majority for administrative expenses. However, regardless of the party division of the Senate, the minority share of the majority and minority salary baseline will never be less than 40 percent, and the majority share will never exceed 60 percent. This approach met our needs for the last Congress, and I would like to see it continue.

Mr. McCONNELL. Mr. President, I, too, would like to continue this approach for the 113th and future Congresses. It serves the interest of the Senate and the public by helping to retain core committee staff with institutional knowledge, regardless of which party is in the majority. We made a transition in the last Congress to restore special reserves to its historic purpose, but appropriations cuts prevented special reserves from being funded. To the extent possible, we should try to fund special reserves in order to be able to assist committees that face urgent, unanticipated, nonrecurring needs. We know that we will continue to face tight budgets for the foreseeable future, and we have to bring funding authorizations more in line with our actual resources while ensuring that committees e able to fulfill their responsibilities. I look forward to continuing to work with my friend the majority leader to accomplish this.

Mr. REID. I thank my friend the Republican leader and ask unanimous consent that a joint leadership letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT LEADERSHIP LETTER

We mutually commit to the following for the 113th Congress:

The budgets of the Committees of the Senate, including Joint and Special Committees, and all other subgroups, shall be apportioned to reflect the ratio of the Senate as of this date, including an additional ten percent (10%) from the majority and minority salary baseline to be allocated to the Chairman for administrative expenses, to be determined by the Rules Committee.

Special Reserves has been restored to its historic purpose. Requests for funding will only be considered when submitted by a Committee Chairman and Ranking Member for unanticipated, non-recurring needs. Such requests shall be granted only upon the approval of the Chairman and Ranking Member of the Rules Committee.

Funds for Committee expenses shall be available to each Chairman consistent with Senate rules and practices of the 112th Congress.

The Chairman and Ranking Member of any Committee may, by mutual consent, modifying the apportionment of Committee funding and office space.

The division of Committee office space shall be commensurate with this funding agreement.

TRIBUTE TO REV. JOHNNY SCOTT

Mr. DURBIN. Mr. President, Reverend Johnny Scott has announced his retirement after 31 years as president of the NAACP East St. Louis Chapter. As a faith leader, businessman, civil rights activist, husband and father, Rev. Scott has dedicated his life to justice and equality. He is a man who cares about making sure things are done right. East St. Louis—my hometown—is a better place for Reverend Scott's years of service.

A native of Indianola, MS, Johnny Scott went to Mildred Louise Business