

We created two new ways for the majority leader—not the minority leader but for the majority leader—to expedite Senate action. We gave new powers to the leader. One of these rules changes passed 78 to 16. The other one passed 86 to 9. These changes gave the majority ways to consider nominations and legislation and going to conference. The minority agreed, under certain circumstances, the ability to engage in debate could and would be limited.

But now we are back again having the same discussion. The only way the majority leader would be able to get what he apparently wants would be to break the rules. There are enough rules being broken, in my view, in Washington right now. One of the problems we face is that the country, frankly, does not trust their government. When we look across the board, from the IRS to what happened in Benghazi, to what the NSA has said in answering about the retaining of records, we don't need to do yet another thing to convince people there is a reason they should not believe what people in the government say.

Let's look at a few things the majority leader said on the Senate floor over the last couple of years. On January of 2011—January 27, to be exact—Mr. REID said:

I agree that the proper way to change the Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate rules other than through the regular order.

That was January of 2011. Mr. MCCONNELL, in January of this year, said on the Senate floor—January 24:

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

That was Senator MCCONNELL's question. In response, Senator REID said:

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

I am on the Rules Committee, and we are not talking about any rules changes in the Rules Committee, which Senator REID said in January of this year would have to be part of looking at that.

Of course, a lot of the discussion is: The nominations are taking too long. But these are important jobs, and there is a reason they take so long. In particular, judicial nominees serve for the rest of their lives. They are going to serve well beyond, in most cases, the President who nominates them. So they have taken a long time for quite a while.

I would think the facts are clear the Senate is treating President Obama's judicial nominees fairly and, in some ways, even better than they treated President Bush's nominees.

Already in this Congress, the Senate—in this Congress, the one that

began in January—the Senate has approved 22 of the President's lifetime appointments. Twenty-two people on the Federal bench for the rest of their lives, that is already happening this year. At a comparable point in President Bush's second term the Senate had approved only five of his judicial nominees.

In the last Congress, President Obama had 50 percent more confirmations than President Bush; 171 of his nominees were confirmed. His predecessor had 119 under similar circumstances, a time when the Senate was also dealing with 2 Supreme Court nominees who, by the way, also serve for life.

I think in the first term of President Obama the Senate made the kind of progress one would expect the Senate to make on these important jobs. In fact, President Obama has had more district court confirmations than any President in the previous eight Congresses. One would think that would be a pretty good record on the part of the Senate doing its job.

The Constitution says the President nominates but, it says, the Senate confirms. In my view, those are equally important jobs. In fact, one could argue that the last job, the one that actually puts the judge on the bench, is even more important than the first job.

Overall, the Senate has confirmed 193 lower court judges under President Obama and defeated only 2. The Washington Post cited the Congressional Research Service conclusion that from nomination to confirmation, which is the most relevant indicator, President Obama's circuit court nominees were being processed about 100 days quicker than those of President Bush. President Bush's nominees took about a year, 350 days. President Obama's take about 100 days less than that.

Let's look at the other side of nominations. There is a difference in the executive nominations, I believe, because they are only likely to serve during the term of the President and not exceed that. I think that creates a slightly different standard. The process on these nominations has been pretty extraordinary in any view. If anything, the Obama administration has had more nominations considered quicker than the Bush administration.

The Secretary of Energy was recently confirmed 97 to 0. The Secretary of the Interior was confirmed 87 to 11; the Secretary of the Treasury, 71 to 26. Those are substantial votes done in a substantial time. The commerce committee that I am on just this week voted out three nominations the President had made with no dissenting votes to report that nomination to the floor.

The Director of the Office of Management and Budget was confirmed 96 to 0. The Secretary of State was confirmed 94 to 3, only 7 days after the Secretary of State was nominated. Members of the Senate knew the Secretary of State pretty well. It was easy to look at that in a quick way, but it is pretty hard to

imagine a Secretary of State who can be confirmed quicker than 7 days after that person was nominated.

The Administrator for the Centers of Medicare & Medicaid Services was confirmed 91 to 7. The Chair of the Securities and Exchange Commission was confirmed by a voice vote. Yet in spite of all of that, we are being told by the White House and by others that somehow the Senate's record on these nominations is worthy of an unprecedented rules change, and that rules change would shut out the rights of the minority to fully review and debate, particularly, lifetime judicial nominations.

The very essence of the constitutional obligation of the Senate is to look at these nominations and decide whether these people should go onto the Federal bench for the rest of their lives.

I am hopeful that the majority leader will keep his word to the Senate and to the American people and ensure that we move onto this debate that should happen—didn't happen in January—and instead of changing the rules, we do what we are supposed to do and do it in a way that meets our obligations as a Senate and our obligations to the Constitution. Let's not break the rules to change the rules. Let's get on with the important business that is before us rather than going back to the business we have dealt with months ago.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BORDER SECURITY, ECONOMIC OPPORTUNITY, AND IMMIGRATION MODERNIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 744, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 744) to provide for comprehensive immigration reform and for other purposes.

Pending:

Leahy/Hatch amendment No. 1183, to encourage and facilitate international participation in the performing arts.

Grassley/Blunt amendment No. 1195, to prohibit the granting of registered provisional immigrant status until the Secretary has maintained effective control of the borders for 6 months.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is on S. 744.

Mr. LEAHY. Is there a division of time?

The PRESIDING OFFICER. There is no such division of time.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.