

the Paul amendment, the number of which I do not have.

Mr. REID. Mr. President, I can't. We have tried, and I can't get consent from my side on that. So I can't do it.

But I have offered seven. The one Paul is taken off, and I am glad to hear that, but we will be glad to do his. We have offered seven, but it is not the seven the minority leader wants.

Mr. MCCONNELL. All I would say to my friend, the majority leader, is that we would sort of like to be able to pick our amendments and not have him pick them. We have worked hard to narrow down to a list of seven. Senator PAUL graciously decided he would step aside for the moment, and we had included the Johanns amendment on farm dust.

I would remind everyone the minority has not been able to offer any amendments prior to cloture, and now we are left with motions to suspend, at a 67-vote threshold, and all we are asking for is the right to pick our own amendments.

I appreciate the majority leader agreeing to seven. That is the number we had finally settled on. But I do think it would be fair to let the minority pick its amendments. We had hundreds of amendments that people would have liked to have had. We worked very hard to get it to a list of seven. I don't think it is unreasonable, not having any amendments prior to cloture, to at least be able to prioritize our seven.

Mr. REID. Mr. President, two things: First of all, the Hatch amendment, that has always been offerable. We would have voted on that, and everyone within the sound of my voice should know that.

We agreed to that—that he should be able to offer that amendment. We also talked about other amendments that could have been offered. We did not stop the amendments from being offered. My friend the Republican leader filled up the slot that was available, and he didn't want to take it down. We were willing, even though they were up there, to move other amendments. He didn't want to do that, for reasons I don't understand, but that is the way it was.

We have agreed to seven nongermane, nonrelevant amendments, and I think that is fair. I have worked a good share of this afternoon trying to clear some of these other amendments. We have gotten permission from the Democratic Senators to have votes on these matters I have listed. I cannot get consent on the Johanns amendment. I cannot get consent on the Brown amendment. I cannot get consent on the Vitter amendment. I can't do that. I have tried. I can't get it done. So these are the ones I can get.

On the Paul amendment, in my last conversation with the Republican leader he told me that Paul wasn't offered, and I appreciate that. But that is where we are. We could have six votes. We could complete this very quickly. I don't like this process, but I am going

to go along with it. But that is my consent agreement. I can't do any more.

Mr. MCCONNELL. I might say to my friend, I may be confused from a parliamentary point of view, but, technically, I would ask the Parliamentarian, through the Chair, if it requires consent to offer motions to suspend at this point.

The PRESIDING OFFICER. The majority leader.

Mr. REID. There is a unanimous consent pending.

The PRESIDING OFFICER. If the Republican leader would restate the question.

Mr. MCCONNELL. At the end of cloture, would it require consent to offer motions to suspend?

The PRESIDING OFFICER. Once an amendment slot is available, the motion to suspend is in order.

Is there objection to the unanimous consent?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Let me just say, again, all we are asking is the opportunity to prioritize the seven that the minority would like to offer.

At the end of cloture, as I just heard the Parliamentarian say, we would be entitled to offer it anyway. We are trying to cooperate and get these motions lined up in a way that would give everybody an opportunity to vote shortly.

I just would say to my friend the majority leader, it doesn't seem to me unreasonable for the minority to be able to pick the minority's amendments. It was challenging enough for us to filter our way through the hundreds that my Members would have liked to have offered to get down to seven. It was particularly challenging since they were not allowed to offer any amendments prior to cloture on the bill, which would be the normal process around here.

Mr. REID. Mr. President, is there an objection to my consent?

The PRESIDING OFFICER. Unanimous consent is pending. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, on Tuesday, 79 Senators moved to invoke cloture on the motion to proceed to this bill, the China currency manipulation legislation. After the Senate decided it wanted to consider this bill, I spoke with the Republican leader about how the Senate could agree to consider a reasonable number of relevant amendments. The Republican leader responded with a patently nongermane amendment. That action pretty much froze the amendment process.

Notwithstanding that impasse, earlier today 62 Senators moved to invoke cloture on this bill. Manifestly, this is a measure that a supermajority of Senators wish to pass.

Now, since the Senate amended rule XXII in 1979, cloture has been a process to bring Senate consideration to a close. The fundamental nature of cloture is to make consideration of the pending measure finite.

The terms of rule XXII provide that the question is this, and I quote:

It is the sense of the Senate that the debate shall be brought to a close.

Indeed, late this morning, the Republican leader stated, and I also quote what my friend the Republican leader said:

If 60 Senators are in favor of bringing a matter to a conclusion, it will be brought to conclusion. That's just what happened a few minutes ago.

So I repeat, that is what the Republican leader said.

Now, notwithstanding the clear nature of the cloture rule to provide for finite consideration of a measure, a practice has begun in this Congress that has undermined the cloture rule. The practice has risen of Senators filing multiple motions to suspend the rules for the consideration of further amendments.

So on this measure, the Republican Senators have filed nine motions to suspend the rules to consider further amendments. But the same logic that allows for nine such motions could lead to the consideration of 99 such amendments. The logical extension of allowing for the consideration of further amendments, notwithstanding cloture, leads to a consideration of a potentially unending series of amendments. The logical extension of this practice is to lead to a potentially endless vote-arama at the end of cloture.

This potential for filibuster by amendment is exactly the circumstance that the Senate sought to end by its 1979 amendments. Plainly, Mr. President, this practice has gotten out of hand.

I see on the Senate floor the junior Senator from the State of Oregon. He and a number of other Senators worked very hard at the beginning of this Congress to kind of change what was going on around here, to make things move more quickly, to make things move more fairly. There was a lot of talk about we are going to try to move things along, we are not going to hold up motions to proceed, and all that. But that hasn't worked too well.

I say to my friend through the Chair, the Senator from Oregon, this is another example of how the rules have been abused this Congress. This didn't happen—it happened rarely last Congress, but this is standard procedure now, again, in an effort to avoid the rules.

This practice has gotten way out of hand. So notwithstanding this abuse, this morning I once again offered to work together with the Republican leader to come to a reasonable number of motions to suspend. The Republican leader and I discussed—we had a list of nine or ten motions to suspend on which he sought votes. I note that

would be more amendments than the motions already filed by Senators, but in good faith I counteroffered that I would be willing to schedule votes on seven of these Republican motions to suspend.

That was reasonable, I thought. The Republican leader rejected that offer. That is what has led us to where we are now. Unless the Senate votes to change its precedents today, we will be faced with a potentially endless series of motions to suspend the rules after the Senate has voted overwhelmingly to bring consideration to a close, and that is a result that a functioning democracy cannot tolerate.

I, Mr. President, withdraw my amendment No. 695.

The PRESIDING OFFICER. The Senator has that right.

MOTION TO SUSPEND RULE XXII, PARAGRAPH NO. 2, INCLUDING GERMANENESS REQUIREMENTS, FOR THE PURPOSE OF PROPOSING AND CONSIDERING AMENDMENT NO. 670

Mr. REID. I call up the motion to suspend rule XXII, including germaneness requirements, filed yesterday by Senator COBURN for the purpose of proposing and considering amendment No. 670.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. COBURN, moves to suspend rule XXII, paragraph No. 2, including germaneness requirements, for the purpose of proposing and considering amendment No. 670.

Mr. REID. Mr. President, I make a point of order that the motion to suspend is a dilatory motion under rule XXII.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. REID. I appeal the ruling of the Chair and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MCCONNELL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. If I may make a brief observation. Listening carefully to the majority leader, he is suggesting the specter of filibustering by amendment when, in fact, we had already agreed to seven.

Having agreed to seven, it strikes me as very difficult to argue that we are establishing some precedent for filibustering by amendment because he and I had agreed to seven. The only place this ran aground was the majority leader trying to pick all seven of the minority's amendments.

So what we have is that no amendments have been considered other than those of a technical nature offered by the majority leader in order to fill up the tree. That was prior to cloture. So what is about to happen is that the majority is trying to set a new precedent on how the Senate operates.

For the record, my preference would have been to consider amendments on

both sides under a regular process, which we could have done earlier this week. Instead, we have been locked out, and in a few moments the rules of the Senate will be effectively changed to lock out the minority party even more.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Is there a sufficient second?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.
The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 157 Leg.]
YEAS—48

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Nelson (NE)
Boozman	Heller	Paul
Brown (MA)	Hoeven	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Snowe
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McCain	Wicker

NAYS—51

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NOT VOTING—1

Boxer

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51. The decision of the Chair does not stand as the judgment of the Senate. Therefore, the point of order is sustained.

Mr. REID. Mr. President, I know there are some hurt feelings here, perhaps on both sides, because this hasn't been easy for me, either, but let's not dwell on that. But I want the record to reflect that the fact that we have to do things sometimes that are difficult doesn't mean Senator MCCONNELL and I have any problems with each other. I want to make sure the record is clear in that regard.

We will discuss later how we are going to move forward on other things. But here is my suggestion, unless someone has some objection. The time for cloture running out on this is sometime tomorrow afternoon. I don't know the exact time. I think it would be to everyone's interest that we would vote on this on Tuesday when we come back. We have a judge we could vote on who is already settled. We could vote on final passage on this, and then we will vote on the jobs bill that is up.

Then what we are going to do is that night we will work to have an agreement that is arranged, because we don't have the time worked out on this, as to how much time. Under the rule, there is 60 hours. We are not going to use 60 hours on these three trade agreements. But everyone should understand we are going to finish the trade agreements on Wednesday. If that means people want to spend 20 hours debating one of them, they may have to spend all night Tuesday doing that, because we have some things here that we have made commitments to do.

Mr. MCCONNELL. Mr. President, will the majority leader yield?

Mr. REID. Yes.
Mr. MCCONNELL. What I hear the majority leader saying is we are going to vote on the trade agreements on Wednesday. Is that what my friend is saying?

Mr. REID. That is what I said.
Mr. MCCONNELL. That means the President of South Korea will have the opportunity to address the joint session on Thursday, having, hopefully, seen the United States approve these long-awaited trade agreements.

Mr. REID. So unless someone has some objection, we will leave here for the evening and the staff will work out a proper unanimous consent agreement that I will announce at some subsequent time after conferring with the Republican leader.

Mr. WICKER. Mr. President, has a unanimous consent request been propounded, or was the majority leader simply stating that we would proceed to vote on Tuesday unless there was objection?

The PRESIDING OFFICER. The majority leader.

Mr. REID. What I said is that—my friend from Mississippi is right. Unless someone has an objection, we will set things up to vote Tuesday evening; otherwise, we would have to vote tomorrow afternoon.

Mr. WICKER. Mr. President, if I could reserve the right to object, and I may or may not object but—

The PRESIDING OFFICER. There is no unanimous consent at this time.

Mr. WICKER. I wish to be recognized to speak then.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.