

[Rollcall Vote No. 288 Ex.]

YEAS—59

Baldwin	Gillibrand	Murphy
Baucus	Hagan	Murray
Begich	Harkin	Nelson
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Booker	Heitkamp	Reed
Boxer	Hirono	Rockefeller
Brown	Johnson (SD)	Sanders
Burr	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	Markey	Warner
Donnelly	McCaskill	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NAYS—36

Ayotte	Fischer	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Johnson (WI)	Sessions
Cochran	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker

NOT VOTING—5

Alexander	Isakson	Reid
Flake	Johanns	

The nomination was confirmed.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Madam President, the last rollcall vote took 11½ minutes. Thank you all for your cooperation.

CLOTURE MOTION

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

The bill 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, hereby move to bring to a close debate on the nomination of Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

Harry Reid, Sherrod Brown, Richard J. Durbin, Christopher Murphy, Robert Menendez, Christopher A. Coons, Angus S. King, Jr., Martin Heinrich, Amy Klobuchar, Dianne Feinstein, Tom Udall, Kirsten E. Gillibrand, Bernard Sanders, Barbara Boxer, Brian Schatz, Robert P. Casey, Jr., Thomas R. Carper, Benjamin L. Cardin, Michael F. Bennet.

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 Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CHAMBLISS (when his name was called). "Present."

Mr. HATCH (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote "aye."

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Nebraska (Mr. JOHANNIS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The yeas and nays resulted—yeas 56, nays 36, as follows:

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YEAS—56

Baldwin	Hagan	Murphy
Baucus	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Pryor
Blumenthal	Hirono	Reed
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murkowski	

NAYS—36

Ayotte	Fischer	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rubio
Coats	Inhofe	Scott
Cochran	Johnson (WI)	Sessions
Corker	Kirk	Shelby
Cornyn	Lee	Thune
Crapo	McCain	Toomey
Cruz	McConnell	Vitter
Enzi	Moran	Wicker

ANSWERED "PRESENT"—2

Chambliss	Hatch
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NOT VOTING—6

Alexander	Flake	Johanns
Coburn	Isakson	Reid

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 36, with two Senators responding "present."

The motion is agreed to.

NOMINATION OF BRIAN J. DAVIS TO BE UNITED STATES DISTRICT COURT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Brian J. Davis, of Florida, to be United States District Judge for the Middle District of Florida.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Brian J. Davis, of Florida, to be United States District Court Judge for the Middle District of Florida?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote "yea."

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Nebraska (Mr. JOHANNIS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The result was announced—yeas 68, nays 26, as follows:

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YEAS—68

Ayotte	Grassley	Murphy
Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Hatch	Portman
Bennet	Heinrich	Pryor
Blumenthal	Heitkamp	Reed
Booker	Heller	Rockefeller
Boxer	Hirono	Rubio
Brown	Johnson (SD)	Sanders
Burr	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Landrieu	Stabenow
Chambliss	Leahy	Tester
Collins	Levin	Thune
Coons	Manchin	Udall (CO)
Donnelly	Markey	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Graham	Murkowski	

NAYS—26

Barrasso	Enzi	Paul
Blunt	Fischer	Risch
Boozman	Hoeven	Roberts
Coats	Inhofe	Scott
Cochran	Johnson (WI)	Shelby
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
Cruz	Moran	

NOT VOTING—6

Alexander	Flake	Johanns
Coburn	Isakson	Reid

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 action.

CLOTURE MOTION

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

The 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, hereby move to bring to a close debate on the nomination of Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System.

Harry Reid, Tim Johnson, Barbara Boxer, Mark Begich, Richard Blumenthal, Benjamin L. Cardin, Tom Udall, Debbie Stabenow, Sheldon Whitehouse, Bernard Sanders, Mazie Hirono, Jon Tester, Brian Schatz, Martin Heinrich, Claire McCaskill, Heidi Heitkamp, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under rule XXII has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Janet Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. REID) would vote "yea."

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. FLAKE), the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNIS), and the Senator from Georgia (Mr. CHAMBLISS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The yeas and nays resulted—yeas 59, nays 34, as follows:

[Rollcall Vote No. 291 Ex.]

YEAS—59

Baldwin	Hagan	Murkowski
Baucus	Harkin	Murphy
Begich	Hatch	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Pryor
Booker	Hirono	Reed
Boxer	Johnson (SD)	Rockefeller
Brown	Kaine	Sanders
Cantwell	King	Schatz
Cardin	Kirk	Schumer
Carper	Klobuchar	Shaheen
Casey	Landrieu	Stabenow
Collins	Leahy	Tester
Coons	Levin	Udall (CO)
Corker	Manchin	Udall (NM)
Donnelly	Markey	Warner
Durbin	McCaskill	Warren
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wyden
Gillibrand	Mikulski	

NAYS—34

Ayotte	Cornyn	Heller
Barrasso	Crapo	Hoeben
Blunt	Cruz	Inhofe
Boozman	Enzi	Johnson (WI)
Burr	Fischer	Lee
Coats	Graham	McCain
Cochran	Grassley	McConnell

Moran	Rubio	Toomey
Paul	Scott	Vitter
Portman	Sessions	Wicker
Risch	Shelby	
Roberts	Thune	

NOT VOTING—7

Alexander	Flake	Reid
Chambliss	Isakson	
Coburn	Johanns	

The PRESIDING OFFICER. On this vote the yeas are 59, the nays are 34. The motion is agreed to.

NOMINATION OF JANET L. YELLEN TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, all time on the Yellen nomination is yielded back. The vote will occur on this nomination on January 6, 2014.

The clerk will report the nomination. The legislative clerk read as follows: Janet L. Yellen, of California, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

The PRESIDING OFFICER. The Senator from Illinois.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to legislative session.

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

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 265, S. 1845.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1845) to provide for the extension of certain unemployment benefits, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

CLOTURE MOTION

Mr. DURBIN. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 265, S. 1845, a bill to provide for the extension of certain unemployment benefits, and for other purposes.

Jack Reed, Richard J. Durbin, Martin Heinrich, Thomas R. Carper, Charles E. Schumer, Dianne Feinstein, Patty Murray, Bernard Sanders, Angus S. King, Jr., Al Franken, Tom Harkin, Jeff Merkley, Elizabeth Warren, Sheldon Whitehouse, Barbara Boxer, Richard Blumenthal, Sherrod Brown.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed

to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1882

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1882, a bill to extend the exclusion from income for employer-provided mass transit and parking benefits; that the bill be read three times and passed; and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's commitment to this particular issue. However, this is just one of many tax provisions which will expire at the end of the year.

In the past, the senior the Senator from New York supported the extension of numerous provisions, as have I, particularly the State and local sales tax deduction in his case. I can only wonder if he is signaling that the State and local sales tax provision, along with all the others which are expiring, are no longer a priority for him.

In any event, the Senate Finance Committee has jurisdiction over all the tax extenders, including the one being offered here today. As of yet, the committee has not been able to fully consider and report a tax extenders bill. As a senior member of the Senate Finance Committee himself, I would hope my colleague would want to work with other members of the committee to preserve its jurisdiction.

Since the House of Representatives has been out for 1 week, my colleague's request—even if agreed to in the Senate—would not result in extending the mass transit provision. Finance Committee Republicans stand ready to work with our Democratic colleagues when we return in a couple of weeks, and the House will be back then too. If we want to enact this extension into law, rather than just sending out talking points, we ought to engage in regular order when we get back.

On that basis, I ask unanimous consent to modify my colleague's unanimous consent request.

I ask unanimous consent that the request be modified to refer this bill to the Finance Committee so it can be properly considered through regular order.

The PRESIDING OFFICER. Does the Senator from New York accept the modification request?

Mr. SCHUMER. I object.

The PRESIDING OFFICER. Is there objection to the original request?