



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, MARCH 4, 2013

No. 30

## Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, sovereign of our Nation and Lord of our lives, thank You for infusing us with the confidence that You order our steps each day. Give our lawmakers courage and a strong resolve to glorify Your Name as they trust the unfolding of Your loving providence. Lord, as they remember what You have already done to bless this Nation, inspire them to march confidently toward tomorrow's difficulties with a total dependence on You. May they recommit themselves each day to faithfully fulfilling the awesome responsibility You have entrusted to them.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. Kaine). The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 5 p.m. today. Following that morning business, the Senate will proceed to executive session to consider the Chen and Failla nominations to be U.S. district

judges, both in the State of New York. At 5:30 p.m. there will be two rollcall votes on confirmation of these nominations.

### NOMINATIONS

Mr. REID. Mr. President, this week the Senate will consider a number of nominations.

Tonight we will vote, as I have just indicated, on Pamela Chen to be a judge for the Eastern District of New York and Katherine Failla to serve as district judge for the Southern District of New York.

Later this week we are going to consider the nomination of Caitlin Joan Halligan to the U.S. Court of Appeals for the DC Circuit. This circuit now has four vacancies. Ms. Halligan's colleagues say she has "a brilliant mind" and "an abiding respect for law." Those are direct quotes. But despite her outstanding credentials and strong support from across the political spectrum, Republicans filibustered her confirmation last Congress.

President Obama is the only President in the 65-year history of the DC Circuit Court not to have a single judge confirmed to that court during his first term. Remember, there are now four vacancies. Since she was nominated, two additional vacancies have opened on the DC Circuit. The court desperately needs more judges.

This week the Senate will consider the nomination of John Brennan to lead the Central Intelligence Agency. Mr. Brennan's nomination is expected to be reported out of the Intelligence Committee tomorrow.

Mr. Brennan served 25 years in the CIA in many extremely important delicate roles and 4 years on the White House national security staff, where he played an instrumental role in finding Osama bin Laden and decimating al Qaida. He is very qualified, he is a wonderful public servant, and he should be confirmed quickly.

This week will be a test of the Republicans' goodwill. My Republican colleagues say they respect the Senate's responsibility to advise and consent. My Republican colleagues say they don't plan to obstruct the confirmation process for the sake of obstruction, but they filibustered President Obama's nominee for Secretary of Defense—for the first time in the history of the country, being a former Republican Senator—delaying Senator Hagel's confirmation for at least 2 weeks.

Republicans say they will not filibuster, but their actions say otherwise. Republicans say they are just requiring 60-vote thresholds, but the difference between a filibuster and requiring a 60-vote threshold on nominations is a distinction with no difference. In a nation founded on the principle of justice for all, requiring a 60-vote threshold on nominations is unfair. It is unfair for all. It is extremely important that we adequately staff our Federal courts, and we have not done that.

At a time when America faces so many threats abroad, it is crucial we have a talented and dedicated individual such as John Brennan leading our Nation's most prominent intelligence agency. Yet Republicans again and again inject politics into the confirmation process, both when considering judicial nominees and, most recently, when considering Cabinet nominees.

There was once a time when Republicans were the ones defending the right of the President to choose the players on his team. Back then it was a Republican in the White House.

In 2001, the senior Senator from Utah touted the "longstanding tradition in the Senate . . . [to] afford the President a significant degree of deference to shape his Cabinet as he sees fit."

Four years later, after President Bush was reelected, the senior Senator from Arizona pointed out that elections have consequences and said, "The President has a right to put into place

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S1075