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## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Eternal Father, to whom all hearts are open, and from whom no secrets are hidden, with reverence we pause to pray that You would make us good enough for the challenging times in which we serve.

Lord, You made humanity to dream, so enable us to see that horizon that promises a better nation and world. Keep our eyes open to the everlasting hills, the illuminated skies, the bright sunrises of hope and beauty and truth.

Keep ever before our lawmakers a vision of Your perfect Kingdom when all people will fulfill the law of love. Help our Senators to shut out all distracting sounds and obstructing movements that prevent them from receiving Your guidance.

We pray in Your sacred 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 MINORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The minority leader is recognized.

### JUDICIAL NOMINATIONS

Mr. REID. Madam President, a few days ago, the majority leader was reported to have declared to a conservative talk-radio show that under his

leadership, the Republican Senate will shirk its constitutional duties by not continuing to confirm judges—period. He went on to say: We may confirm a few that come from States where only Republicans give the President the names, but other than that, we are going to do none.

I assume this is accurate. I hope it is not, but I assume that it is. It would be a very stunning and disappointing declaration that the senior Senator from Kentucky, especially since he argued for the fair consideration of President Bush's court nominees, would now switch his position.

In July of 2008, here is what he said: "Even with lameduck Presidents, there is a historical standard of fairness as to confirming judicial nominees, especially circuit court nominees."

That is a direct quote from the majority leader. These are his words. Not a single word has been made up. That is what he said: "Even with lameduck presidents, there is a historical standard of fairness as to confirming judicial nominees, especially circuit court nominees."

And the record is spread with many quotes he has given just the same. He also said in that same year: "No party is without blame in the confirmation process, but what is going on now—or, more accurately, what is not going on—is yet another step backward in politicizing the confirmation process—something we had all hoped that we would get beyond."

Earlier my friend from Kentucky said: "Judicial nominations need to be treated fairly and commitments need to be kept." And even earlier than that, here is what he said: "On the issue of judicial confirmations, the majority leader and I discussed this matter publicly at the beginning of the Congress"—he is saying that he and I are talking—"and we agreed that President Bush, in the last 2 years of his term, should be treated as well as President Reagan, Bush 41, and Presi-

dent Clinton were treated in the last 2 years of their tenures in office because there was one common thread, and that was that the Senate was controlled by the opposition party."

So what he is saying there is that what he wanted was for Bush to be treated the same way that Bush 1, President Reagan, and President Clinton had been treated. He got that with large numbers of judges being appointed.

So we are here now with the statements ringing loudly that the majority leader is intent on writing off the Senate's constitutional duty of offering our advice and consent now that President Obama is nominating individuals to the Federal bench.

The Republican leader is a student of the Senate. He says he is, and I believe that. I am confident that he understands that the Senate cannot and should not neglect the constitutional obligations we have. The Senate cannot simply ignore critical vacancies in the last 2 years of any President's term—what a bad standard to set, especially with the growth in certain communities. We have a number of judicial emergencies that have been determined.

It is all the more troubling that the majority leader wants to pick an unnecessary fight over judges just as Republican Senators are working with the President to fill vacancies in their States. The majority leader is essentially telling other Senators that their judicial recommendations simply don't matter—Democrats, Independents, Republicans. The majority leader is telling the chairman of the Judiciary Committee that regardless of the judicial nominations his committee continues to report out, they could be blocked on the Senate floor.

But I do say this just as a caveat: The present Judiciary Committee is doing the same thing that was done by the present chairman of the Finance Committee when he was chair of the

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



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