

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BEVERLY BALDWIN MARTIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant legislative clerk read the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak under the time allotted to Senator SESSIONS and that I be followed by my colleague Senator ISAKSON.

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

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise today to speak on behalf of a good friend, a very fine jurist, Judge Beverly Martin, who has been nominated by President Obama to the Eleventh Circuit Court of Appeals.

I have had the good fortune of knowing Judge Martin, who is a native of Macon, GA, for many years and could think of no one with more integrity, professional competence, and appropriate judicial bearing to sit on the Nation's second highest bench.

Judge Martin is a fourth-generation lawyer. Her great-grandfather, grandfather, and her father were all lawyers in Macon, GA. They started the law firm of Martin & Snow in Macon, which is where Judge Martin also began the practice of law after graduating from the University of Georgia School of Law in 1981.

I talked to my good friend Cubbege Snow, Jr., who was one of the senior partners at the firm at that point in time. I said: Cubbege, tell me about Beverly. What did you do with her when she came fresh out of law school to be the fourth generation Martin in that law firm?

He said: SAXBY, she started just like everybody else; we put her collecting accounts, which is the one thing lawyers have to do when they start out is that sort of menial type work.

I remember one day walking by her office and she is obviously on the phone with somebody trying to collect an open account, and she finally screamed

at whoever it was on the other end and said, "If you do not pay this bill, I am going to lose my job."

So Beverly Martin started at the bottom of the ladder in the practice of law. She has worked herself up to the point now of being one of the finest district court judges we have in our State.

My good friend Jerry Harrell, who is also a member of that firm, says the thing he remembered best about now Judge Martin when she was practicing law is that she is very bright, but she approached everything from a true commonsense standpoint and that she was a very level-headed individual.

Judge Martin was drawn from private practice to Atlanta to go to work in the attorney general's office by then Attorney General Mike Bowers. She was there for a 10-year period. And in 1997 she was appointed U.S. Attorney for the Middle District of Georgia after serving for a couple of years as an assistant U.S. attorney.

During her tenure as U.S. Attorney for the Middle District of Georgia in Macon, Judge Martin was known as a tough prosecutor. She handled cases herself in a way that was not only very professional but in a very meaningful way.

At the same time, she was very compassionate outside of the courtroom. In fact, she started a program in Macon, Valdosta, Columbus, and Athens that is called the Weed & Seed Program. It is now a nationwide program that is run through U.S. Attorney offices. Judge Martin was a strong proponent and received national recognition for the work she did with the Weed & Seed Program in our State. She also held day camps for inner-city kids during the summertime. She served on various boards, including the board of Macon State College and Majority Women of Achievement, which board she serves on with my wife Julianne.

Her lengthy tenure as a prosecutor has given her a uniquely informed perspective. When handling criminal cases, as many of my colleagues know, a prosecutor must be tough but fair in carrying out their responsibilities. This experience has served her well as she has served on the District Court. It makes her exceptionally well qualified to serve on the Eleventh Circuit Court of Appeals.

While on the district court, Judge Martin was faced with several difficult criminal matters. In 2002, she refused to intervene and halt the scheduled execution of a man convicted of killing a Columbus, GA, police officer.

More recently, in 2008, she rejected arguments that Georgia's method of capital punishment was unconstitutional, determining that it more than conformed with the recent Supreme Court guidance on the issue.

In his choice of Judge Martin, the President not only picked a fine Georgian to sit on the nation's second high-

est bench, but he has also picked a top-notch legal mind.

More revealing about Judge Martin as a jurist than my remarks are the anonymous lawyer comments that have been written about her during her 9 years on the bench. Words such as "smart," "bright," "respectful," and "fair" appear frequently. One lawyer wrote, "Her legal ability is matched by her courtroom demeanor, which is the best around."

Another said, "She always calls it as she sees it. She has no leaning."

Mike Bowers, attorney general and her mentor of 15 years, said she is the most evenhanded judge he has ever appeared before.

In fact, Mike, who is now in private practice, told me that he tried the very first jury trial case before Judge Martin. In Federal trials, the lawyers are all required to stand at a lecturn where they ask their questions to the witnesses, and it is not appropriate to get too close to the jury. But all of us used to try to do that because you could sometimes be more effective. He said: One day I was trying this case before Judge Martin, the very first case she had tried, and I obviously got a little too close to the jury. Being the evenhanded judge she is, she looked at her 15-year mentor and she said, very professionally: Mr. Bowers, please back away a respectful distance from the jury. He said: I remember it very well.

That is the evenhandedness with which Judge Martin has always conducted herself on the bench. I have no doubt Judge Martin will serve the people of Georgia, Alabama, and Florida very well on the Eleventh Circuit. She is, to put it plainly, a fair and wise judge. The President couldn't have chosen a more qualified individual for the Eleventh Circuit Court of Appeals. I am proud to lend my support to her and look forward to her swift confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to join my colleague Senator CHAMBLISS to endorse the confirmation and hopefully unanimous confirmation of Judge Beverly Martin to the Eleventh U.S. Circuit Court of Appeals. I thank President Obama for sending this nomination forward and for the consultation his people had with Senator CHAMBLISS and myself. I thank Senator LEAHY, chairman, and Ranking Member SESSIONS from Alabama of the Judiciary Committee for the diligence with which they approached this confirmation and the speed with which we have now brought it to the floor.

I am proud that the vote on Judge Martin today will be the first vote of the 2010 session of the Senate. As Senator CHAMBLISS said, Judge Martin comes from a long, distinguished family of lawyers from middle Georgia.

She comes to the bench with a balanced temperament and the even-handed process that comes from growing up in middle Georgia and having respect for one's fellow man.

I don't know Judge Martin and did not know Judge Martin until she was nominated. I am not an attorney so I didn't have a lot to fall back on when I made my first judgment. I decided what I would do is what I always did in my 33 years of business. I figured you could always find out what was at the heart of someone by calling those who competed with them, other members of the same profession. So I called lawyers, judges, prosecutors around Georgia, friends I had, and said: Tell me what you know about Judge Beverly Martin. Without exception, every response was positive.

It was interesting. One district attorney said: I like her because she has the tenacity of a prosecutor. She was a prosecutor for the northern district of Georgia. I talked to a dear friend of mine who is on the Georgia Supreme Court who said she has the temperament for a judge. I talked to another practicing attorney, who had tried cases before her and had competed with her when she was a practicing attorney herself, who said: JOHNNY, she is tough. She is fair. But she has a passion for the law, a passion for doing what is right.

I don't think you can come up with a finer endorsement than those three quotes.

I also join Senator CHAMBLISS in acknowledging and studying one's record. Some of her decisions I think have been outstanding. As a former prosecutor, she understands the dangers our law enforcement officers go through. She understands the value they serve. I think her ruling not to stay the execution of a murderer of a Columbus, GA policeman was absolutely the right decision. Her defense of the Georgia death penalty law as being constitutional was not only appropriate but right. Throughout all of her decisions, one thing is for sure: Whether you agreed or not, she gave it the thought and time necessary to make what she felt was the right decision.

In 2000, the Senate confirmed Judge Martin to the northern district court in Georgia. It did so unanimously. It is my hope that on this day the Senate once again will unanimously approve the confirmation of Judge Beverly Martin to the U.S. Eleventh Circuit Court of Appeals.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be charged to each side.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I wish to speak on the nomination of Judge Beverly Baldwin Martin who President Obama nominated to the Eleventh Circuit on June 19. I remain at a loss as to why it has taken this long for her nomination to come before the full Senate for a vote. Judge Martin's nomination is one of the few that has had strong bipartisan support. Both of her home State Senators, Senator CHAMBLISS and Senator ISAKSON, have expressed their support for the President's nominee from the beginning. I have also expressed my support for Judge Martin and I believe she will be easily confirmed when the vote occurs.

As I have said many times, Republicans have been and are ready and willing to proceed to a roll call vote on her nomination for months but, for whatever reason, our Democratic colleagues, the leadership, would not take yes for an answer. Instead, they chose to force votes on controversial nominees such as David Hamilton and Andre Davis. Given those nominees' records, it was no secret they would engender opposition and that it would take some time for their records to be examined and to be prepared for debate.

I do not know the reasons for not calling up Judge Martin's nomination sooner. I hope it wasn't to purposely delay this noncontroversial nomination in order to create an illusion that a lot of judges are being obstructed. Certainly we have been accused of obstructing nominations in the last few months and we have heard these allegations repeated on the Senate floor and in the press, often supported by inaccurate and misleading information. Some of my Democratic colleagues have said they want to confirm judicial nominees at the same pace the Democratic-controlled Senate confirmed President Bush's nominees. I think my colleagues should be careful what they wish for, because President Obama's nominees have fared far better than President Bush's. For those who were not here then, and for those who don't—or won't—remember, I wish to take a moment to describe exactly what happened during that time.

President Bush began his Presidency by extending an olive branch and renominating two prior Clinton nominees to seats on the Circuit Courts of Appeal—one step removed from the Supreme Court. He renominated Democratic nominees. How was he repaid for that? The Democrats took the olive branch and broke it and gave it back to him. It began soon after President Bush was elected when a group of well-known professors—liberal activist professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein, met with the Democratic leadership and proposed changing the ground rules of the confirmation process in a meeting,

apparently—certainly not open to the public. They proposed that Senators should consider a nominee's ideology—this had not been historically done—and for the first time in the history of the country, they proposed that the burden be shifted to the nominee to somehow prove they were worthy of the appointment instead of having the Senate respect the presumptive power of the President to make nominations and then object if that nomination was a concern to them. So it was clear to me then that as a result of that meeting, a majority of the Democrat Members of this body agreed to what they proposed. After the Democrats took control in the 107th Congress, then-Majority Leader Daschle promised to “use whatever means necessary” to defeat President Bush's judicial nominees.

Before the 2001 August recess, the Democrats granted hearings for only two circuit court nominees, and one was Roger Gregory, a former Clinton nominee who was renominated. They even refused to hold a hearing for now-Chief Justice John Roberts. His nomination at the time was to the District of Columbia circuit which had been scheduled for a hearing before the change in the Senate majority. Then, in an unprecedented and, I think, partisan move, our Democratic colleagues indiscriminately returned every single one of President Bush's 40 pending judicial nominations. There was no consideration of an individual nominee's record. There was no consideration of bipartisan support for the nominee. It was a simple obstruction, it appeared to me. Thirty of these nominees were later confirmed by voice vote or by a substantial majority.

This was followed by another unprecedented event: the systematic filibuster of highly qualified nominees, many of whom were later confirmed by voice vote or a substantial majority. The Democrats filibustered 30 attempts to hold up-or-down votes on at least 17 judicial nominees, highly qualified nominees—some rated unanimously well qualified by the American Bar Association. Senator REID summed up what they were doing during the filibuster of Priscilla Owen—a fabulous nominee; a justice on the Texas Supreme Court; a great lady—he opposed her nomination and he said in his quote: “There is not a number of hours in the universe that would be sufficient” to debate her nomination.

So, today, we hear outrage that President Obama's nominees have been waiting for weeks or months for a confirmation vote. President Bush's nominees to the circuit courts waited an average of 350 days—almost a year, on average; I was here—from nomination to confirmation. That was just the average. The majority of President Bush's first nominees to the circuit courts waited years for confirmation votes and some never even received a hearing

in committee, despite being highly qualified, outstanding nominees. Priscilla Owen, Justice Owen of the Texas Supreme Court, waited 4 years for a confirmation vote. John Roberts, Jeffrey Sutton, and Deborah Cook all waited 2 years. Dennis Shedd and Michael McConnell waited for more than a year and a half. Terrence Boyle, who was nominated by President Bush for the Fourth Circuit, languished close to 8 years and never received a vote, even though he passed out of the Judiciary Committee with a majority, and the Democrats had the majority. Miguel Estrada, rated unanimously well qualified by the American Bar Association, was filibustered through seven cloture votes and never confirmed. Charles Pickering, Carolyn Kuhl, Williams Myers, Henry Saad, William Haynes—all I think outstanding nominees—all were filibustered and never confirmed. So I ask my Democratic colleagues: Did we have any outrage from that side then?

Let's look at the current pace of nominations. Unlike President Bush, President Obama did not extend an olive branch by renominating any of the outstanding pending nominees President Bush had submitted who were being held up. In fact, he ignored a request by all of the Republican Members of this body to do that. Instead, he chose Judge David Hamilton as his first nominee. He could hardly be characterized as a consensus nominee. Thirty-nine Senators—all Republicans—voted against him after a full debate.

The treatment of President Obama's and President Bush's nominees for the Fourth Circuit will illustrate what I am saying. During the 110th Congress, despite the 33-percent vacancy rate on that court, four of President Bush's well-qualified, consensus nominees to that court, the Fourth Circuit, were needlessly delayed and ultimately blocked. President Bush nominated Steve Matthews in September of 2007. Despite his stellar qualifications, he was forced to wait 485 days to even get a hearing and the hearing never came. His nomination was returned in January of 2009. Chief Judge Robert Conrad of the district court had the support of his home State Senators and received an ABA rating of unanimously well qualified. Despite overwhelming support and exceptional qualifications, including having played point guard for Clemson in the ACC, he waited 585 days for a hearing that never came. His nomination was returned. Judge Glen Conrad had been chosen by Janet Reno, President Clinton's Attorney General, to investigate one of the allegations against President Clinton. Out of all of the prosecutors in America, she chose Judge Conrad. It is an outrage that he was not confirmed. He was a stellar nominee and should have been confirmed. The bar respected him and so did the Democratic administration.

Finally, Rod Rosenstein, whom the ABA rated unanimously well-qualified and who served in the Department of Justice in both Democrat and Republican administrations, waited 414 days for a hearing that never came. His nomination was returned on January 2, 2009.

President Obama's Fourth Circuit nominees have fared far better. Take Judge Andre Davis. He received a hearing a mere 27 days after his nomination, a committee vote just 36 days later, and was confirmed in early November of last year. Justice Barbara Milano Keenan was nominated on September 14, 2009. She received a hearing just 22 days later and was voted out of committee 23 days after that. Both Judge Albert Diaz and Judge James Wynn were nominated on November 4, 2009. The committee quickly held their hearing on December 16, 2009—despite the fact that the Senate was consumed with the healthcare debate—and their nominations are listed on the committee's agenda for this week.

The raw numbers also demonstrate that this is not the simple "apples to apples" comparison that some have tried to make it out to be.

President Obama has nominated little more than half the judicial nominees that President Bush had nominated at this point in his Presidency. Despite holding a time consuming Supreme Court confirmation hearing, the Judiciary Committee has still managed to hold hearings for all of President Obama's nominees, except for the few that were nominated just before the recess last month and were not ripe for hearings before the break. Compare that to this point under President Bush when 31 of his judicial nominees had yet to receive hearings.

And, not only has the Senate confirmed nearly the same percentage of President Obama's judicial nominees as were confirmed at this point under President Bush, but we are moving faster. Indeed, President Obama's circuit court nominees have received confirmation votes mere months after being nominated—far quicker than President Bush's circuit court nominees, who waited an average of 350 days. Many waited years and many never even received an up-or-down vote. The simple fact is that President Obama has nominated fewer and we have confirmed more.

All of this is not to lay the groundwork for some sort of payback, but to set the record straight. Republicans have not held a private retreat to plot how to block judicial nominees. We have not taken orders from outside groups to block nominees based on their ideology. We have not blocked nominees because we do not want them to sit on a specific case. We have not once attempted to filibuster nominees in the Judiciary Committee. That is how Democrats treated President Bush's nominees. Those are the facts.

We have not and will not do any of those things. Instead, we will continue to thoroughly analyze the records of President Obama's nominees, and hold fair and rigorous hearings to ensure that each nominee possesses the impartiality, the commitment to the rule of law, the integrity, the legal expertise, and the judicial restraint necessary to sit on our Nation's judiciary.

As ranking member of the Judiciary Committee, I look forward to continuing to work with the chairman to process nominations in the bipartisan manner that we have established over the past year.

I yield the floor.

I see our outstanding chairman, Senator LEAHY, is here. I know he wants to get back to the committee. I appreciate his leadership. He is a person I enjoy working with. We spat a little over these nominations, but he allows us to have full and fair hearings when we have them, and I think I can't ask for more than that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, as we return for the second session of the 111th Congress, the Senate at last considers the long-stalled nomination of Judge Beverly Martin of Georgia to the Court of Appeals for the Eleventh Circuit. Even though Judge Martin is a well-respected district court judge with the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, her nomination has been stuck on the Senate Executive Calendar for over 4 months since it was promptly reported by the Judiciary Committee without a single dissenting vote.

The delays for consideration of the nomination of Judge Martin, along with delays for seven other judicial nominations currently on the Senate's Executive Calendar, are the result of a Republican strategy to stall, delay, and obstruct that began last year. I urge the Senate Republican leadership to reconsider their strategy and instead join with us and with President Obama to fill the more than 100 vacancies that have now accumulated on our Federal courts around the country.

The obstructionist tactics that we saw last year from Republicans led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year. The 12 Federal circuit and district court nominees confirmed last year was less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, a Democratic Senate majority proceeded to confirm 28 judges. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

Republicans have refused to agree to the consideration of qualified, non-controversial nominees for weeks and months. Last December, only 3 of the available 13 judicial nominations on the Senate Executive Calendar were considered. By contrast, in December 2001, the first year of President Bush's administration, Senate Democrats proceeded to confirm 10 of his judicial nominees. At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. At the end of President Clinton's first year, just one judicial nominee was left on the Senate Executive Calendar. At the end of President George H.W. Bush's first year, a Democratic Senate majority left just two judicial nominations pending on the Senate Executive Calendar. At the end of the first year of President Reagan's first term—a year in which the Senate confirmed 41 of his Federal circuit and district court nominees—not a single judicial nomination was left on the Senate Executive Calendar. This past December, Senate Republicans left 10 judicial nominees without Senate action and insisted on returning 2 of them to the President so that they would have to be renominated.

None of the eight judicial nominations currently pending on the Executive Calendar are controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and then confirmed unanimously by the Senate once they were finally allowed to be considered.

Judicial vacancies have now skyrocketed to over 100, undoing years of hard work. The lack of Senate action last year is attributable to Senate Republicans and no one else. President Obama has reached across the aisle to consult with Republican Senators. The nomination before the Senate today is another example of that. He has made quality nominations. While President Obama has moved beyond the judicial nominations battles of the past and reached out to work with Republicans and make mainstream nominations, Senate Republicans continue their tactics of delay.

When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When President Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees. The Republican leadership has returned to their practices in the 1990s, which resulted in more than doubling circuit court vacancies, and led to the pocket filibuster of more than 60 of President

Clinton's nominees. The crisis they created eventually led even to public criticism of their actions by Chief Justice Rehnquist during those years.

Instead of praising President Obama for consulting with Republican Senators, the Senate Republican leadership has doubled back on what they demanded when a Republican President was in the White House. No more do they talk about each nominee being entitled to an up-or-down vote. That position is abandoned and forgotten. Instead, they now seek to filibuster and delay judicial and even executive nominations. They have also abandoned their initial position at the start of this Congress that they would filibuster judicial nominees on which home State Senators were not consulted. It turned out such consultation and home State Republican Senator support did not matter when they unsuccessfully filibustered President Obama's first judicial nominee, Judge David Hamilton. He was filibustered despite the support of Senator LUGAR, his home State Senator and the longest serving Republican in the Senate.

Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in his first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed confirmation in the 1996 session.

This is wrong. The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts.

During President Bush's last year in office, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits. As matters stand today, judicial vacancies have spiked and are being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges.

We have seen this unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

These obstruction tactics took dangerous lows last year when Senate Republicans voted to leave our troops without funding at a time when we are fighting two wars. Had the Senate Republican filibuster of the Defense Department appropriations bill been successful, they would have cut off funding for our troops in the field. Senate Republicans also filibustered the veterans bill.

Judge Martin's nomination is the longest pending of the judicial nominees currently on the Executive Calendar. Judge Martin is a well-respected Federal district court judge. Her nomination received a unanimous rating of "well qualified" from the American Bar Association's Standing Committee on the Federal Judiciary and has the support of both Republican home State Senators, Senator CHAMBLISS and Senator ISAKSON. Judge Martin has spent 25 years in public service as a Federal judge, as U.S. attorney for the Middle District of Georgia, as an Assistant U.S. attorney in that office, and as an assistant attorney general in the Office of the Attorney General of Georgia. Judge Martin's nomination should have been an easy one to have confirmed months ago. Republicans should have thanked President Obama for consulting with the home State Republican Senators and moved forward. I wish we could have reached a time agreement sooner. It should not have taken 4 months.

I urge Senate Republicans to reconsider their strategy and allow prompt consideration of the other judicial nominees awaiting Senate consideration: Judge Joseph Greenaway of New Jersey, nominated to the Third Circuit; Justice Barbara Keenan of Virginia, nominated to the Fourth Circuit; Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Rosanna Malouf Peterson, nominated to the Eastern District of Washington; and William Conley, nominated to the Western District of Wisconsin.

Mr. President, I will reserve the remainder of my time and yield 6 minutes to the Senator from Delaware, an

extraordinarily valuable member of the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I thank the Senator. It is a pleasure to serve with him on the Judiciary Committee and see the work he is doing.

Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

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

IN PRAISE OF LISA BROWN

Mr. KAUFMAN. I rise once again to recognize one of America's great Federal employees.

One year ago today, Barack Obama took the oath of office as President of the United States. As with every change in administration, the White House welcomed many new staff members, appointed by the President to help him carry out his policy goals.

I have spoken many times about career Federal employees who serve regardless of which political party controls the executive branch. Today, I want to use my time to highlight the important work performed by those Federal employees who serve in appointee positions. Although their jobs depend on the outcome of elections and political circumstances, they are no less accountable to the people and no less dedicated in their service.

This holds true for the appointees from both parties, who, given the opportunity, eagerly leave jobs in the private and nonprofit sectors to serve in government. Many of our Nation's elected leaders once served in this capacity, including some of my Senate colleagues.

On this first anniversary of President Obama's inauguration, many are reflecting on the past 12 months and trying to gauge his administration's success. One thing I am certain about is that he could not carry out his ambitious agenda without the help of the talented White House staff.

The great Federal employee I am honoring today has the challenging job of making sure the White House staff are working together and that all of the information the President needs reaches his desk.

Lisa Brown serves as White House staff secretary. It is a position many Americans are unfamiliar with, but it is one of the most important in the West Wing. The staff secretary is responsible for keeping the lines of communication between the President and his senior staff open and organized. Nearly every memo destined for the President's desk must first pass through the hands of the staff secretary, who filters the most pressing items and ensures that the President's decisions are conveyed to the appropriate staff member. Think about how complex that is.

Lisa is a native of Connecticut, and she graduated magna cum laude from

Princeton with a degree in political economy. She also holds a law degree with honors from the University of Chicago.

After clerking for the late Judge John Godbold, on the U.S. Court of Appeals for the Eleventh Circuit in Alabama, Lisa was a partner at the Washington law firm Shea & Gardner. While working in the private sector, she also engaged in pro bono work in the area of civil rights and disabilities law. During that time, Lisa gained valuable expertise in these fields, which she would later put to use in her government service.

In 1996, Lisa began working as an attorney adviser in the Justice Department's Office of Legal Counsel. After a year in that role, she was appointed deputy counsel to Vice President Gore, and in 1999 she was appointed as his counsel. At the same time, Lisa served on the executive board of the President's Committee for Employment of People with Disabilities. She also worked on legislative issues with the Vice President's Domestic Policy Office.

After the Clinton administration ended, Lisa moved to the nonprofit sector, where she became executive director of the American Constitution Society for Law and Policy. When President Obama was elected, he asked her to return to government service as a key part of his White House team.

Despite her busy schedule in one of America's most stressful work environments, Lisa still finds time to raise a 6-year-old son with her husband Kevin. Juggling family responsibilities and a demanding workload is a challenge she shares with many other West Wing staffers.

Lisa and other political appointees are a living reminder of the elective nature of our government. When the people decide to give control of the executive branch to the party in opposition, that party is always ready to call on a cadre of talented and dedicated citizens ready to shape policy.

Many of them bring to their jobs the unique perspective of having worked for a previous administration, and they frequently leave higher paying jobs to return to government service. When they do so, they are not only signing on to serve the President. They also commit to long and stressful hours working on behalf of the American people to whom the President and his West Wing staff are answerable.

Mr. President, I hope my colleagues will join me in honoring the service of Lisa Brown and all those working and who have worked in the West Wing under Presidents Obama, Bush, Clinton, and their predecessors.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I see the distinguished assistant Republican leader on the floor. I ask unanimous consent that all time remaining on either side be yielded back.

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

Mr. LEAHY. Mr. President, have the yeas and nays been requested on the nominee?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays on the nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—97

Akaka	Enzi	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murkowski
Begich	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Bunning	Inhofe	Rockefeller
Burr	Inouye	Sanders
Burriss	Isakson	Schumer
Byrd	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Kirk	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Cochran	Kyl	Thune
Collins	Landrieu	Udall (NM)
Conrad	Lautenberg	Vitter
Corker	Leahy	Voynovich
Cornyn	LeMieux	Warner
Crapo	Levin	Webb
DeMint	Lieberman	Whitehouse
Dodd	Lincoln	Wicker
Dorgan	Lugar	Wyden
Durbin	McCain	
Ensign	McCaskill	

NOT VOTING—3

Bond	Roberts	Udall (CO)
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The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's actions.

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#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

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#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

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#### MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I further ask that I may be permitted to speak for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### PRESIDENT OBAMA'S FIRST YEAR IN OFFICE

Mr. KYL. Mr. President, it was exactly 1 year ago that Barack Obama was sworn in as President of the United States. He began by promising to launch a new era of responsibility, bipartisanship, and transparency at home and to improve America's standing abroad. That message appealed to the American people. The President came into office with high approval ratings, widespread support, and plenty of bipartisan good will in this Chamber. Taking stock now a year later, it is apparent the President has not delivered the change he promised. The

President's approach to spending, debt, and big government has surprised and frustrated the American people. It is not what they bargained for. Much of the legislation introduced by the majority has passed on party-line votes and without the transparency he promised.

On this 1-year anniversary, I want to talk specifically about the conflict between President Obama's campaign promises and the policies he has promoted during his first year in office.

Despite his pledge to embrace fiscal responsibility, President Obama's domestic agenda has reflected a belief that big government and massive spending are the keys to promoting economic growth. From car company bailouts, to cash for clunkers, to a wasteful \$1.2 trillion stimulus bill that failed to keep unemployment from topping 8 percent, as the administration claimed it would, Federal spending has soared. So has the national debt. President Obama said earlier this year that we cannot keep on borrowing from China, and that is true. So why does the President continue to advocate spending money that we do not have and will have to borrow? What ever happened to his campaign promise of a net spending reduction? Government spending grew by \$705 billion in fiscal year 2009, an increase of 24 percent from 2008, and appropriations legislation enacted this year will increase spending by 8 percent more in 2010.

America's 2009 Federal deficit, which is the gap between total outlays and total revenue, made history—and not in a good way. It exceeded \$1.4 trillion, which is the highest amount in history and more than three times as large as the biggest annual deficit during the previous administration.

The recordbreaking budget President Obama submitted to Congress doubles the deficit in 5 years and triples it in 10. It also creates more debt than the combined debt of every President from George Washington all the way through George Bush. There is no way to blame President Bush for this situation.

The total debt has reached an almost unimaginable sum—almost \$12 trillion. This week, the Senate will take up an increase in the debt ceiling, which is the total amount of legal U.S. debt. That increase will come on the heels of a \$290 billion increase in the debt ceiling that was passed late last year and another increase that was passed early in 2009 to accommodate the stimulus bill. Interest payments on this debt are expected to reach \$800 billion—just interest alone—\$800 billion per year by 2019. Clearly, we have not entered a new era of fiscal responsibility but, rather, quite the opposite.

Of course, the most expensive piece of legislation passed last year was the health care bill. The \$2 trillion-plus bill, the most consequential domestic

legislation in a generation, was hardly a work of fiscal responsibility or bipartisanship. It passed both bodies of Congress on a partisan vote. The legislation will create a massive new entitlement at a time when America cannot afford its existing entitlement programs.

The bill is filled with deals for special interests that President Obama said would be banned from doing business with his administration. Last week, for example, the White House reached a deal with labor union leaders to exempt, until 2018, union health care plans from a tax that will hit many other Americans.

The bill also violates several key pledges President Obama made about health care reform—first, the pledge that it would be deficit neutral. Richard Foster, who is the Chief Actuary for the Centers for Medicare and Medicaid Services, estimates that under the reform legislation, national health spending will rise by \$222 billion over the next 10 years, and the Congressional Budget Office tells us that the Senate bill double-counts the savings from certain Medicare reforms. It uses certain funds to extend the solvency of Medicare by 9 years while simultaneously using those exact same funds to offset the cost of the bill. According to the Congressional Budget Office:

To describe the full amount . . . as both improving the Government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement of the government's fiscal position.

In short, this bill is not deficit neutral.

The President also pledged that middle-income families would not see their taxes raised. This is the second broken pledge. As Republicans have explained repeatedly, this bill is packed with taxes that will hit many middle-income Americans, including seniors and the chronically ill. In fact, the Senate version contains a total of 12 new taxes.

The third broken pledge relates to costs. President Obama said his health care bill would reduce costs. It does not. Costs for many families will actually increase thanks to a litany of new Federal requirements and mandates.

This whole process has also shown that the President's professed commitment to transparency was nothing more than a campaign slogan. He promised at least seven times that the health care negotiations would be aired on C-SPAN, as he put it, "so the American people can see what the choices are." But that didn't happen. As Speaker PELOSI reminded us, the President promised a lot of things on the campaign trail. Those who were not invited to the Democrats' secret negotiations did not know the details of the respective health care bills until just