

for the Afghan people as we exit militarily. We must keep the transition force to assure that all the lives of our brave military that have been lost in Afghanistan will not have been in vain. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent a vote on or in relation to the Kyl-Kerry amendment No. 3123, as modified, which has been cleared by both managers, will occur at a time to be determined by the managers in consultation with the leaders following the vote on cloture on the bill.

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

AMENDMENTS NOS. 3291, 3282, 3292, 3165 EN BLOC

Mr. LEVIN. Mr. President I call up amendments en bloc: Pryor No. 3291, Collins No. 3282, Reed No. 3292, and Reed No. 3165.

The PRESIDING OFFICER. Is there objection? Without objection, the amendments are pending en bloc.

Mr. LEVIN. I know of no further debate on the amendments.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 3291

(Purpose: To require, as a condition on the receipt by a State of certain funds for veterans employment and training, that the State ensures that training received by a veteran while on active duty is taken into consideration in granting certain State certifications or licenses)

At the end of subtitle H of title X, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 3282

(Purpose: To provide for a prescription drug take-back program for members of the Armed Forces and their dependents)

At the end of subtitle D of title VII, add the following:

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

AMENDMENT NO. 3292

(Purpose: To provide for the enforcement of protections on consumer credit for members of the Armed Forces and their dependents)

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”

AMENDMENT NO. 3165

(Purpose: To establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans)

(The text of the amendment is printed in the RECORD of Wednesday, November 28, 2012, under “Text of Amendments.”)

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3292

Senator REED's amendment, amendment No. 3292, to the National Defense Authorization Act, seeks to further address the problem of predatory lenders taking advantage of members of our Armed Forces. Predatory lending practices are a serious problem for members of the Armed Services throughout the country, and I know it has impacted Vermonters serving in our Nation's military.

This amendment further strengthens the Military Lending Act by extending enforcement authority to certain Federal Agencies. Senator REED's amendment seeks to expand the universe of parties who can bring enforcement actions against predatory lenders, and therefore provide additional protections to the members of our Armed Services. Allowing additional Federal Agencies to bring enforcement actions helps ensure that fewer instances of predatory lending in the Armed Services community go unprosecuted. It is important to me, as it is to Senator REED, that members of our Armed Services be free from harmful and deceptive lending practices.

I am glad Senator REED reached out to me on this amendment regarding the expansion of enforcement authority, and I thank him for his leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

**NOMINATION OF PAUL WILLIAM GRIMM TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND**

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

The assistant legislative clerk read the nomination of Paul William

Grimm, of Maryland, to be United States District Judge for the District of Maryland.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate, equally divided and controlled in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, after months of unjustifiable delays, the Senate will finally be allowed to vote on one of President Obama's qualified, consensus judicial nominees. The nomination of Paul William Grimm to the United States District Court for the District of Maryland was reported by the Judiciary Committee nearly-unanimously 6 months ago. Judge Grimm and the people of Maryland have been forced to wait 6 months for this day for no good reason. He is one of the 19 judicial nominees who should have been confirmed before the August recess.

Since 1997 Judge Grimm has served as a United States Magistrate Judge and since 2007 as Chief Magistrate Judge on the United States District Court for the District of Maryland. Prior to joining the bench, Judge Grimm had wide legal experience as a lawyer in Maryland State government, private practice, and as a Judge Advocate General. The ABA Standing Committee on the Federal Judiciary unanimously rated him "well qualified" to serve on the U.S. District Court, its highest possible rating. He has the strong support of his home State Senators, Senator MIKULSKI and Senator CARDIN. There was no opposition on the merits to his confirmation when he was considered by the Republican and Democratic Senators on the Judiciary Committee.

This is another judicial nominee whose service has been stalled by unnecessary, partisan obstruction. In her recent comments at Huffington Post, Jen Bendersky correctly noted:

The pattern throughout the president's tenure has been uncontroversial judicial nominees clearing the Senate Judiciary Committee but going nowhere [on] the Senate floor. Then, after months of opposition, GOP leaders agree to clear some of the backlog and long-stalled nominees sail through virtually unopposed. . . . [W]hat has changed is the degree to which obstruction has become standard operating procedure since Obama took office. After four years, Obama has seen about 75 percent of his nominees confirmed. By contrast, the Senate confirmed . . . 88.7 percent of Bush's nominees by this point in [his] presidency.

Two months ago, the Senate went into recess without taking action on 19 judicial nominees, nearly all of whom have support from both parties.

Regrettably, the Senate has not been allowed to make real progress for the American people by reducing the number of judicial vacancies. There were more than 80 vacancies when the year began. There were more than 80 vacancies this past March when the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. There are now more than 80 vacancies once again.

In stark contrast, there were only 29 vacancies at this point in President George W. Bush's first term and we had lowered vacancies during those four years to 28, not the 83 at which they stand today. When George W. Bush was President, we routinely considered four to six judges per week. In 2002, we confirmed 18 judges in 1 day. That is what it takes to make real progress. The Senate should proceed to consider and confirm all 19 judicial nominations ready for a final vote without further delay.

There is no justification for holding up final Senate action on the 19 judicial nominations that have been approved by the Senate Judiciary Committee and are pending on the Senate Executive Calendar. President Obama has consistently reached across the aisle, consulted with home State Senators from both parties and appointed moderate, well-qualified judicial nominees. Seven of the 19 nominees currently waiting for final Senate consideration are supported by Republican home State Senators. Seventeen of these nominees received bipartisan support in the Judiciary Committee. The Senate should be learning the lesson of the recent elections and working in a bipartisan manner to consider and vote on these nominees. It is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people. Delay for delay's sake is wrong and should end.

Whatever justification Senate Republicans contended they had by resort to their misapplication of the Thurmond Rule to stall judicial nominations before the election is gone. The American people have voted and chosen to reelect President Obama. The President is not a lame duck. He is the President elected and reelected by the American people. It is time for the Senate to vote on his judicial nominees.

From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote—before now. That is something Senate Democrats have not done in any lame duck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including one very controversial circuit court nominee, in the lame duck session after the elections in 2002. I remember, I was the Chairman of the Judiciary Committee who moved forward with those votes. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006, and proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, as well. The reason that I am not listing confirmations for the

lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee in September.

That is our history and recent precedent. Those across the aisle who contend that judicial confirmations votes during lame duck sessions do not take place are wrong. It is they with their obstruction who are creating a wrong-headed precedent. The Senators from Kentucky, Tennessee, Utah, Iowa, Arizona, Texas, Alabama, South Carolina and Mississippi should all remember the judicial nominees from their home States Democrats moved forward to confirm in lame duck sessions in 2002, 2004 and 2010.

If the Senate will be allowed to vote on these 19 judicial nominees, we can help fill nearly one-quarter of our Nation's Federal judicial vacancies. We can fill almost one-third of all judicial emergency vacancies. Most importantly, we can help hardworking Americans to have better access to justice.

I congratulate Judge Grimm and his family as well as the Senators from Maryland who have continued to press for this day. There is no reason the Senate should not be allowed to vote on the other 18 long-pending judicial nominations. The American people deserve no less.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today, for only the fourth time in over 70 years, we will confirm a Federal judge during a lame-duck session in a Presidential election year. According to the Congressional Research Service, the Senate has confirmed judicial nominees during a lame-duck session in a Presidential election year on only three occasions since 1940. It occurred in 1944, 1980, and 2004. So for those who say we are treating this President differently, I would say we have treated him far better than most Presidents have been.

This year we have already confirmed 31 District Judges and five circuit judges. That meets or exceeds the confirmations for Presidential election years in recent memory.

That is more confirmations than we did in 2008; it exceeds the district confirmations in 2004 and ties the circuit confirmations for that year. It is the same number of district confirmations in 2000, and it is considerably more than we confirmed in 1996. So for the past five Presidential election years, this year stands near the top for judicial confirmations.

Yet, despite that record, and despite the fact that we are about to confirm yet another district court nominee, all we hear from the other side are complaints. I must say, it makes it quite difficult to work cooperatively with the other side when, no matter what you do, all you hear are complaints.

Lately we have heard the other side argue that since the President won reelection, we should not follow past

practice, but rather we should confirm a large number of nominations during this lame duck session.

The last time a President was reelected—President Bush in 2004—we heard a different tune from Democrats. That year the other side was in no hurry to confirm President Bush's nominees. In fact, only 3 judicial nominees were confirmed after the November 2004 election. That year, following President Bush's reelection, 23 judicial nominations that were pending either on the Senate Executive Calendar or in the Judiciary Committee were returned to the President when the Congress adjourned in December.

Recently one of my colleagues on the other side stated, "From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed."

I suppose this is meant to imply there is some long record of routine confirmations following a Presidential election. But that is simply not the case.

Let me tell my colleagues what that means: One Circuit confirmation in 1980 and 3 District confirmations in 2004. That's it. From 1980 through 2008, those four nominations represent the entire list. There were no such confirmations in 1984, 1988, 1992, 1996, 2000, or 2008.

Furthermore, limiting this list to "reported with bipartisan committee support" fails to take into account that many judicial nominees in the past administration were subjected to a "pocket filibuster." That means, of course, that they never had a hearing or opportunity to be reported out of Committee. So it is somewhat misleading to suggest the Senate routinely confirms nominees during Presidential lame-duck sessions of Congress.

Again, the last time a President was reelected, only three of his nominees were confirmed following the election. Today we will add to that exclusive list, and the Senate has a time agreement for a vote on a second District nominee before we adjourn.

This afternoon, we are considering the nomination of Paul William Grimm to be United States District Judge for the District of Maryland. With his confirmation, the Senate will have confirmed 159 of President Obama's nominees to the District and Circuit Courts.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges, 24 district and four circuit. This Presidential election year we have exceeded those numbers. We have confirmed five circuit nominees, and Judge Grimm will be the 32nd district judge confirmed. That is a total of 37 judges this year versus 28 in the last Presidential election year.

So once again, I want to set the record straight, and I hope I have done so. Republicans have been more than fair to this President and his judicial nominees.

Judge Grimm received his J.D. degree in 1976, graduating magna cum laude from the University of New Mexico School of Law. He began his legal career serving in the U.S. Army Judge Advocate General, JAG, Corps. After resigning his active duty commission in 1979, he established a general practice law partnership of Daniels and Grimm. In 1980, Grimm left the firm to serve as a prosecutor in the Baltimore County state's attorney's office. In this position, he handled both misdemeanor and felony cases. From 1981 to 1984, Judge Grimm served in the Maryland attorney general's office as the chief of litigation and administration for the Department of Licensing Regulation.

Judge Grimm had his first prolonged stint in private practice serving as an attorney for the firm of Niles, Barton and Wilmer from 1984–1987. He was initially hired as an associate, but was promoted to partner in 1985. At Niles, Barton and Wilmer, he handled products liability cases, fidelity and surety cases, general tort cases, professional malpractice cases, and construction cases. In 1987, he joined Jordan, Coyne, Savits and Lopata as the managing partner of the Baltimore Branch. In 1991, he returned to Niles, Barton and Wilmer when Jordan, Coyne closed its Baltimore office.

Throughout his time in private practice, his typical clients included government agencies, insurance companies, private corporations, partnerships, law firms, accounting firms, and individuals.

In 1997, the U.S. District Judges for the District of Maryland appointed Judge Grimm to be a United States Magistrate Judge. In 2006, he was elevated to Chief United States Magistrate Judge.

Judge Grimm has served as an Adjunct Professor of law at the University of Maryland, Francis King Carey School of Law, 1990–present, and at the University of Baltimore School of Law, 1997–present. The American Bar Association's Standing Committee on the Federal Judiciary has rated him unanimously well qualified.

I support this nomination and congratulate Judge Grimm.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I am pleased to join with Senator MIKULSKI in recommending to the Senate the confirmation of Judge Paul William Grimm of Maryland to be a U.S. district judge for the District of Maryland.

I am very proud of the process Senator MIKULSKI has instituted for making recommendations to the President to fill judicial appointments. I believe that under this process, we are able to get the very best to recommend to the President and then to our colleagues for confirmation. Judge Grimm clearly falls within this line.

The Senate Judiciary Committee favorably reported Judge Grimm's nomination by a voice vote on June 7 of this

year. Judge Grimm was nominated to fill the vacancy that was created in Maryland when U.S. District Judge Benson E. Legg took senior status in June.

Judge Grimm brings a wealth of experience to this position. Early in his career he served in the military in the Judge Advocate General's Corps, handled commercial litigation in private practice, and served as an assistant attorney general in Maryland. He also sat as a Federal magistrate judge in Maryland for 15 years.

Judge Grimm was born in Japan and received his undergraduate degree from the University of California in 1973, and graduated from the University of New Mexico School of Law in 1976. Judge Grimm was admitted to the Maryland bar in 1977.

He has strong roots, legal experience, and community involvement in the State of Maryland. Judge Grimm lives with his family in Towson, MD.

After graduating law school, Judge Grimm began his legal career in Maryland as a captain in the United States Army Judge Advocate General's Corps at Aberdeen Proving Ground, MD. He then worked in the Pentagon before heading back to the Baltimore region, alternating between working in private practice and working in the State attorney general's office, while continuing to serve as a U.S. Army JAG Corps officer with occasional stints in the Pentagon.

In 1997 Judge Grimm was selected as a magistrate judge by the judges of the U.S. District Court for the District of Maryland. In 2006, Judge Grimm became the chief U.S. magistrate judge in Baltimore.

In 2009, Chief Justice John Roberts appointed Judge Grimm to serve as a member of the Advisory Committee for the Federal Rules of Civil Procedure. In 2010 he was designated as chair of the Civil Rules Committee's Discovery Subcommittee.

I mention that because it is evident from the Chief Judge's appointment that Judge Grimm is a nationally recognized expert on cutting-edge issues of law and technology. He has written numerous authoritative opinions, books, and articles on the subject of evidence, civil procedure, and trial advocacy. He also continues to inspire the next generation of lawyers by teaching classes at both of our law schools. On several occasions Professor Grimm has been awarded the title of outstanding adjunct faculty member. As a magistrate judge, Judge Grimm has found time not only to teach but to be an outstanding professor. He has shown his commitment in so many ways to public service.

As a magistrate judge, Judge Grimm is responsible for handling criminal matters such as issuing search warrants, conducting preliminary criminal proceedings, and presiding over misdemeanor criminal cases.

Judge Grimm is also responsible for handling civil cases and has presided

over bench and jury trials with the consent of the parties. Judge Grimm has conducted settlement conferences, resolved discovery disputes, and handled other nondispositive matters at the referral of the U.S. district judges.

Judge Grimm has estimated that in his 15 years as a magistrate judge he presided over approximately 50 civil trials, 150 criminal misdemeanor trials, including jury and bench trials. He is well qualified and has the experience necessary to serve on our district court. He received a unanimous rating of well qualified, the highest possible rating for a judicial nominee from the American Bar Association's Standing Committee on the Federal Judiciary. As I previously mentioned, he received a voice vote of confidence from the Judiciary Committee.

I am absolutely confident that Judge Grimm possesses the qualifications, temperament, and passion for justice to make him an outstanding United States District Court judge for the District of Maryland.

I urge my colleagues to vote for his confirmation here on the Senate floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

Ms. MIKULSKI. Mr. President, I rise to speak on the pending nomination of Judge Paul Grimm on which we will vote shortly.

I am so proud to be here to support the nomination of Judge Paul Grimm. He is a stellar Marylander, he has an outstanding legal mind, and he has been nominated to serve on the District Court of Maryland.

Senator CARDIN and I recommended Judge Grimm to President Obama with the utmost confidence in his abilities, talent, and competence for the job. The ABA agreed with us and gave him the highest rating of "unanimously well qualified." I wish to thank Senators REID and MCCONNELL for breaking the logjam so that we could bring this to everyone's attention, and I commend Senator LEAHY for the swift movement through the committee process.

I have had an opportunity to recommend several judicial nominees and I take my advise-and-consent responsibility very seriously. I have four criteria. My nominee must have absolute integrity, judicial competence and temperament, a commitment to core constitutional principles, and a history of civic engagement in Maryland, so the nominee is familiar with the life and times of the people they will adjudicate over. I mention these standards often because I mean it.

Judge Grimm does exactly that. He brings the right hard-working values to

the bench, and the necessary experience, having sharpened his legal skills for many years as a litigator, a Judge Advocate General, a lawyer, a JAG officer, an indispensable asset to the District Court of Maryland, and as a chief magistrate judge.

Judge Grimm knows what it means to be of service to the legal profession, to Maryland, and to the country. He is a public servant first and foremost. His father was in the military. Judge Grimm started very early prosecuting courts martial while attending law school on an ROTC scholarship. He then served in the JAG Corps for 3 years beginning at Aberdeen Proving Ground and later at the Pentagon. But it didn't end there. He went on to serve as a Reserve JAG officer for 22 years, ultimately retiring as a decorated lieutenant colonel.

His life and résumé are a display of civic engagement, from his service on numerous bar associations in Maryland, professional organizations, and, at the same time, he was a Boy Scout leader. He also helped young students in high school learn how to do a mock court.

Let's go, though, to his being a good lawyer. Judge Grimm is known as a trailblazer in the Maryland community. He is well respected not only for his extensive writing and teaching but his commitment to the improvement of the practice of law and the administration of justice. He has spent his entire legal career in Maryland, and he is absolutely prepared for service on the court and for the court. He has already served 16 years as a magistrate judge in the District Court of Maryland, and for 6 of those years he has been the chief magistrate.

Prior to taking the bench, Judge Grimm served 13 years as a litigator in private practice and handled primarily civil cases. He was an assistant attorney general for Maryland and a prosecutor in Baltimore County. Also, as my colleagues can see, his experience and service are unparalleled. Most recently, he served on the advisory committee for the Federal Rules of Civil Procedure since 2009 and was later designated as the chair of the Discovery Subcommittee.

He has been honored by the ABA, the Maryland Daily Record, which is a kind of legal paper in Maryland, and he has been twice recognized by the University of Maryland Law School. By every index of what makes a great judge—absolute integrity, judicial temperament, legal experience, well regarded by peers and all who appear before him—I think this is a nominee we want to maintain a constitutional imperative of an independent judiciary, where judges come from the best background and have the best values. It is critical that we have judges who are able to do that, and I hope my colleagues join me in voting for Judge Paul Grimm.

I also hope with the other 19 nominees on the calendar, many of whom

have been voice-voted through the committee, we also confirm those during this lameduck session.

Mr. President, I have completed my presentation on the outstanding qualifications of Judge Paul Grimm. I now yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I yield back all time on this side.

Mr. GRASSLEY. Mr. President, I yield back all time on this side.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Paul William Grimm, of Maryland, to be United States District Judge for the District of Maryland?

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 92, nays 1, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—92

Akaka	Crapo	Lee
Alexander	DeMint	Levin
Ayotte	Durbin	Lieberman
Barrasso	Enzi	Lugar
Baucus	Feinstein	Manchin
Begich	Gillibrand	McCain
Bennet	Graham	McCaskill
Bingaman	Grassley	McConnell
Blumenthal	Hagan	Menendez
Boozman	Harkin	Mikulski
Boxer	Hatch	Moran
Brown (MA)	Heller	Murkowski
Brown (OH)	Hoeven	Murray
Burr	Hutchison	Nelson (NE)
Cantwell	Inhofe	Nelson (FL)
Cardin	Inouye	Paul
Carper	Isakson	Portman
Casey	Johanns	Pryor
Chambliss	Johnson (SD)	Reed
Coats	Johnson (WI)	Reid
Coburn	Kerry	Risch
Cochran	Klobuchar	Roberts
Collins	Kohl	Rubio
Conrad	Kyl	Schumer
Coons	Landrieu	Sessions
Corker	Lautenberg	Shaheen
Cornyn	Leahy	Shelby

Snowe	Toomey	Webb
Stabenow	Udall (CO)	Whitehouse
Tester	Udall (NM)	Wicker
Thune	Warner	

NAYS—1

Blunt

NOT VOTING—7

Franken	Rockefeller	Wyden
Kirk	Sanders	
Merkley	Vitter	

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the previous order with respect to treaty document 112-7, the vote on ratification will occur at 2:15 Tuesday, tomorrow, December 4, with all the provisions of the previous orders remaining in effect. What this does is rather than having the vote at noon on the disability treaty, we would have it after our caucus.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the motion to reconsider is considered made and laid on the table.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We hope cloture will be voted now. We have disposed of 119 amendments to this bill. I talked to the majority leader, and if we do vote cloture tonight, which of course Senator McCain and I hope we will, we are still going to try to clear some additional amendments using the same process we have used up to now. We would hope we could clear some additional amendments right up to the time of final passage. Hopefully we can get to final passage tomorrow at some point.

#### CLOTURE MOTION

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

The assistant 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 S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Harry Reid, Carl Levin, Kay R. Hagan, Barbara A. Mikulski, Tom Udall, Jeff Merkley, Al Franken, Tom Harkin, Jon Tester, Richard Blumenthal, Jeff Bingaman, Patrick J. Leahy, Robert P. Casey, Jr., Amy Klobuchar, Max Baucus, Michael F. Bennet, Mark Begich, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum has been waived.

The question is, Is it the sense of the Senate that the debate on S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, 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 Minnesota (Mr. FRANKEN), the Senator from Oregon (Mr. MERKLEY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 218 Leg.]

#### YEAS—93

Akaka	Enzi	McConnell
Alexander	Feinstein	Menendez
Ayotte	Gillibrand	Mikulski
Barrasso	Graham	Moran
Baucus	Grassley	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hatch	Nelson (FL)
Blumenthal	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Pryor
Boxer	Inhofe	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Isakson	Risch
Burr	Johanns	Roberts
Cantwell	Johnson (SD)	Rubio
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Lee	Toomey
Cooms	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCain	Whitehouse
Durbin	McCaskill	Wicker

#### NOT VOTING—7

Franken	Rockefeller	Wyden
Kirk	Sanders	
Merkley	Vitter	

The PRESIDING OFFICER. On this vote the yeas are 93, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider that vote.

Mr. MCCAIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NOS. 2923, AS MODIFIED, 2943, 2997, AS MODIFIED, 3023, 3121, AS MODIFIED, 3142, 3144, 3172, AS MODIFIED, 3276, 3298, 3278, AS MODIFIED, 2996, AND 3047, AS MODIFIED

Mr. LEVIN. Madam President, I call up a list of 13 amendments which have been cleared by myself and Senator McCain: Coats amendment No. 2923, as modified by the changes at the desk; Webb amendment No. 2943; Casey amendment No. 2997, as modified by the changes at the desk; Cardin amendment No. 3023; Wicker amendment No. 3121, as modified by the changes at the desk; Portman amendment No. 3142; Webb amendment No. 3144; Corker amendment No. 3172, as modified by the changes at the desk; Lieberman amendment No. 3276; Lautenberg amendment No. 3298; Blunt amendment No. 3278, as modified by the changes at the desk; Rockefeller amendment No. 2996; and Reid of Nevada amendment No. 3047, as modified by the changes at the desk.

Mr. MCCAIN. They have been cleared by our side.

Mr. LEVIN. I ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

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

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2923, AS MODIFIED

At the end of Subtitle B of title III, add the following:

#### SEC. 314. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.

(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed