and-consent function or the confirmation function that is given in the Constitution to the Senate, and he jammed these nominees through using what he called his ''recess appointment'' power.

Well, the DC Circuit Court of Appeals said: That is unconstitutional. Mr. President, you cannot do that. The law does not allow it.

But that is another reason why, I suggest, the President is eager to stack this court with people he believes will be more ideologically aligned with his big-government agenda.

Then there was one more decision this past August that I will mention. The court reminded the Nuclear Regulatory Commission of its legal requirement to make a final decision on whether to use Yucca Mountain as a nuclear waste repository. That sounds kind of arcane, but it is very important—certainly to the people of Nevada and to the U.S. national security interests when you talk about a safe and secure location to put nuclear waste.

I would submit that all of these were commonsense rulings for which there is a very sound and broad legal basis, and the court was doing what all courts are supposed to do; that is, uphold the law. Apparently, the administration does not think this court should be in a position to do that, and they do not think they should have to be in a position to follow the law. They do not seem to care that the DC Circuit Court has ruled in favor of the administration on things such as stem cell research, health care, greenhouse gas regulation, and other hot-button issues. They do not seem to care that the court's eight active judges are evenly split between Republican and Democratic appointees. In their view, by upholding the law the DC Circuit has been insufficiently supportive of the Obama agenda, so now they are attempting to pack the court with three unneeded judges in order to stack it in the administration's favor.

I said last week that my colleague from Iowa, Senator GRASSLEY, has offered a commonsense alternative. It is a good compromise, and we have done it before. It would actually reallocate two of these seats on the DC Circuit that are unneeded to other courts in the country where they are needed. What makes more sense than that? We have done that once before. We took one of these positions from the DC Circuit and reallocated it to the Ninth Circuit, where they needed judges before. We ought to be putting the resources where they are actually needed, not stacking them in a court where the resources are not needed in order to pursue an ideological end.

Unfortunately, our friends across the aisle—the majority leader and others—have rejected the Grassley compromise and pushed ahead with their court-packing maneuver. Given their stated desire to make the DC Circuit a liberal rubberstamp, Democrats have created an extraordinary circumstance that justifies the filibuster under the 2005 precedent brought about by the Gang of 14 that I started off with. I wish we had resolved this sooner. I wish my friends across the aisle would give serious consideration to the Grassley proposal. But for now, I am afraid we have reached an impasse, and so we will be voting on this nomination this afternoon.

I yield the floor.

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

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

CONDOLENCES TO INHOFE FAMILY

Mr. DURBIN. Mr. President, the Senate family was stunned yesterday with the news that our colleague JIM INHOFE lost his son Perry in a plane crash in Oklahoma. I extend my condolences to JIM, the senior Senator from Oklahoma, and his wife Kay and their family on the loss of their son.

Each year, I always look forward to their Christmas card. It is an amazing gathering which grows by the year. Clearly, it is a strong, large family which takes great comfort in one another's strength. At this moment they will need it having lost one of their own.

I extend my condolences along with those of the Senate family to all of their extended family. I pray that they will have the strength—and I am confident they will—to face this personal and family tragedy.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CORNELIA T.L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

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 legislative clerk read the nomination of Cornelia T.L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided and controlled in the usual form.

Mr. DURBIN. A few moments ago the Republican whip, Senator CORNYN of Texas, came to the floor to oppose the nomination of Nina Pillard to the DC Circuit Court. Sadly, this did not come as a surprise. It is now clearly a political strategy on the other side to block President Obama's nominees for this important court. There are three vacancies on the DC Circuit. Most people view it as the second most important court in the land, next to the U.S. Supreme Court.

The court has eight active judges. It is authorized to have 11. When there are vacancies in our Federal judiciary, the President has a duty to fill them. President George W. Bush made six nominations for the DC Circuit during his Presidency. Of those six nominees, four were confirmed. President Obama, by contrast, has made five nominations for the DC Circuit and so far only one has been confirmed, a well-qualified gentleman, Sri Srinivasan. Two of President Obama's nominees have been filibustered by the Senate Republicans: Caitlin Halligan and Patricia Millett, two exceptionally well-qualified women.

My colleagues on the other side of the aisle have made it clear they intend to filibuster two more equally well-qualified nominees: Georgetown law professor Nina Pillard and DC District Court Judge Robert Wilkins.

This disparity is very obvious for anyone who cares to compare. President Bush: Six DC Circuit Court nominees; four of them confirmed. President Obama: Five DC Circuit Court nominees; four of them likely filibustered by the Republicans.

This is a troubling contrast. There is no question President Obama's nominees have the qualifications and integrity to serve on this important court. There are absolutely no—underline no—extraordinary circumstances that justify filibustering these nominees. Just a few days ago when the Senate Republicans filibustered Patricia Millett, one of the most distinguished nominees to ever come before the Senate, they ignored the obvious: She has argued 32 cases before the U.S. Supreme Court. Is someone literally going to come and say, oh, but she is not qualified to serve in a Federal court.

Not only that, she had the overwhelming endorsement of Solicitors General of both political parties. Clearly, she is well qualified and has bipartisan support for the job. But it was not good enough for the other side of the aisle. They filibustered her, stopping her nomination.

For those who are new to the Senate, the filibuster is an old trick, an old procedural gambit. What happens is that well-qualified people, and many times substantive legislation, are held up indefinitely or stopped with the use of a filibuster. To do it to an amendment or a bill is bad enough, to do it to a human being is something we should think long and hard about. Her nomination, the nomination of Patricia Millett, was supported by Democratic and Republican Solicitors General. They characterized her as ''brilliant'' and ''unfailingly fair-minded.''

Ms. Millett deserved an up-or-down vote on the merits. I doubt there would have been many, if any, on the other side of the aisle who would have voted against her. There is no question she would have served with distinction as a Federal judge. It is a shame she is being filibustered.

Technically, her nomination is still hanging by a procedural thread, I guess, for the possibility of being reconsidered. But when we hear the statement just recently made by the senior Senator from Texas, it gives us scant hope of her successful nomination being approved by the Senate.

Now we are considering another well-qualified nominee to the DC Circuit, Nina Pillard. Ms. Pillard is a distinguished law professor at Georgetown. She is also one of the most talented appellate attorneys in America. She has served with distinction in the Solicitor General's office and in the Justice Department's Office of Legal Counsel. She has argued nine cases before the Supreme Court of the United States. She has written briefs on many more, including U.S. v. Virginia, the landmark equal protection case that opened the doors of the Virginia Military Institute to female students.

There is no question that Ms. Pillard has the intellect, experience, and integrity to be an excellent Federal court judge. She has received strong letters of recommendation from Republicans and Democrats, from law enforcement and law professors.

It is no secret that she has written a number of academic articles in which she argued for gender equality, that men and women be treated fairly and the same under the law in America. Some find this radical thinking. Most Americans believe it should be the law of the land. But law professors are supposed to take part in debates and advance academic discourse. That is their role. Also, issues of gender equality are important in America. Do we not want our daughters to have the same opportunities as our sons?

We should want to have our finest legal minds contribute to this conversation about gender equality. We should not penalize them for doing so. Some have dismissed her nomination because she has spoken out about equality when it comes to men and women in America. That is shameful.

Ms. Pillard also made clear at her nomination hearing she understands the difference between being a professor and a judge. When Ms. Pillard has stood in judgment of others, as she has done when she served on the ABA reviewing committee for then-Judge Sam Alito in 2005, she has been fair and impartial. She probably does not share the views of Alito, but her committee give him a rating of unanimously ''well qualified.'' That rating helped send him off to the Supreme Court.

I think Viet Dinh, former Assistant Attorney General for the Office of Legal Policy under George W. Bush, helped clarify who Nina Pillard is with a letter he sent in support of her nomination. Here is what he said:

> I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity.

I would go on to say, I know Professor Dinh is a very conservative person. Yet listen to how he concluded his endorsement of Nina Pillard:

> She is a fair-minded thinker with enormous respect for the law and for the limited, and essential role of the federal appellate judge—qualities that make her well prepared to take on the work of a D.C. Circuit judge. I am confident that she would approach the judicial task of applying law to facts in a fair and meticulous manner.

I urge my colleagues to give this well-qualified nominee the chance for a vote on the merits before the Senate.

Some may argue there are three strikes against Professor Pillard for this DC Circuit, and apparently there are.

First, she is an overwhelmingly well-qualified woman. Those nominations are not faring well with the other side of the aisle recently.

Secondly, she has argued that men and women deserve equal and fair treatment in America. That does not sit well with some on the other side of the aisle.

Third, this is a critically important court. There are some who are determined to maintain these vacancies even at the expense of exceptionally well-qualified nominees.

I know my Republican colleagues like to argue: We should not confirm nominees to the court because they just do not work hard enough over there. But does anyone truly believe this caseload argument would stop the Republicans if they were in the White House trying to fill the same vacancies?

We do not have to guess at the answer to that question, we know it. The fact is, the DC Circuit's caseload is actually greater now than it was when John Roberts was confirmed to be the ninth judge on that circuit in 2003. Judge Roberts was confirmed by a voice vote. The argument about not enough work in the court did not seem to come up when it was a Republican nominee for a similar vacancy.

My Republican colleagues have been eager to confirm nominees for the 9th, 10th, and 11th seats on the DC Circuit when a Republican President has been making the nomination. But when it comes to President Obama's DC Circuit nominees, it looks as though we will see four times as many filibusters as we do confirmations.

The bottom line is this: Under the law, there are supposed to be 11 active judges on this circuit. Three vacancies exist. The President has the responsibility to fill them. President Obama's nominees are well qualified. No one questions that. But they are being filibustered by Senate Republicans.

I hope my Republican colleagues change their minds about these filibusters and agree to give these nominees an up-or-down vote. These nominees have done nothing to deserve the filibuster. They deserve to be judged on the merits.

Let me close by saying that we have gone through this debate for a long time on both sides, arguing that well-qualified nominees deserve an up-or-down vote. There have been times when some people have questioned the whole process that would allow this basic unfairness for nominees to the bench that we are seeing happen with the DC Circuit. We have gone from the brink of talking about changing the rules of the Senate, and usually at the very last moment we will step up and try to work out our differences in a fair fashion between the two parties, agreeing that certain nominees will move forward and certain nominees will not.

But I will tell you, as I have said to my friends on the other side of the aisle, there comes a tipping point. There reaches a point where we cannot allow this type of fundamental unfairness and injustice to occur. It is not fair to those nominees who submit their names in good faith, willing to serve on these important judicial assignments and to give their best talents and to show their integrity in the process and then to be given the back of the hand by a Republican filibuster on the floor of the Senate. It reaches a point where we cannot continue to do this.

I say to my friends on the other side of the aisle who have said we should not change the rules of the Senate, it is time for them to show common sense and to show a basic sense of fairness when it comes to those nominees. I hope that when this matter comes before the Senate, my Republican friends across the aisle will relent, will not stop this good nominee from her opportunity to serve.

I hope we can find her nomination and the others who are pending moving forward in a way that is befitting of this great institution.

Mr. HATCH. Mr. President, we are once again taking an unnecessary cloture vote on an unnecessary nomination to a court that needs no more judges. The only reason for either this nomination or this cloture vote is deliberately to provoke a confrontation that the majority hopes will be to their partisan political benefit. Perhaps they want to use a fake charge of obstruction to again push for rigging the confirmation process through the so-called nuclear option. Perhaps they want to give their allied grassroots groups something with which those groups can raise money. Or perhaps the majority wants to use this to distract from disasters like the implementation of Obamacare.

One thing is for sure, this confrontation is not happening because Republicans are genuinely obstructing needed nominations. President Obama has appointed more than twice as many judges so far this year than at the beginning of either President Bush's or

President Clinton's second term. President Obama has already appointed nearly one-quarter of the entire Federal judiciary.

Whatever the reason, this stunt will only end up further politicizing the confirmation process and undermining the independence of the judiciary. As I outlined in the National Law Journal over the weekend, it would be hard to make a clearer case that the U.S. Court of Appeals for the DC Circuit needs no more judges. Since 2006, when Democrats said that this court needed no more judges, new appeals are down 27 percent, cases scheduled for argument are down 11 percent, and written decisions per active judge are down 18 percent. The DC Circuit, as it has for years, ranks last among all circuits in virtually every measure of caseload.

Consider just a brief comparison with the next busiest circuit. In the Tenth Circuit, new appeals are 87 percent higher, terminated appeals are 131 percent higher, and written decisions per active judge are 150 percent higher.

In 2006, Democrats also opposed more DC Circuit appointments because more pressing ''judicial emergency'' vacancies had not been filled. Judicial emergencies are up 90 percent since then, and the percentage of those vacancies with nominees is down from 60 percent to just 47 percent.

No matter how you slice it, dice it, or spin it, the DC Circuit has enough judges while other courts need more. Democrats have not yet said that the standard they used in 2006 to oppose Republican appointees was wrong, nor have they explained why a different standard should be used today to push Democratic appointees.

The better course would be to stop these fake, partisan confrontations and focus on nominees to courts that really need them.

Mr. GRASSLEY. Mr. President, I will conclude this debate with the following points:

First, under the Democrats' standard from 2006, the DC Circuit needs no additional judges. This is why current judges have written things like: ''If any more judges were confirmed now, there wouldn't be enough work to go around.''

Second, the President has made clear on a host of issues, such as cap-and-trade fee increases, that he will simply go around Congress through administrative action rather than do the hard work of passing legislation. That is why he wants to stack the deck on this court with committed ideologues, as Professor Pillard appears to be. It seems the President is confident Professor Pillard would be a reliable rubber stamp, considering she is outside the mainstream on a host of issues, including religious freedom, abortion, and abstinence-only education.

So I agree with those Democrats who said during the Bush administration: ''The Senate should not be a rubber stamp to this President's effort to pack the court with those who would give him unfettered leeway.''

There is simply no justification for spending $1 million per year for these lifetime appointments given the lack of workload under the Democrats' standard from 2006.

Accordingly, I urge a ''no'' vote on the cloture motion.

I yield the floor and 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. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

Mr. LEAHY. Madam President, here we go again. For the third time this year, we are debating whether to end a Republican filibuster and allow a confirmation vote for a highly qualified woman to the DC Circuit. In March, it was Caitlin Halligan. Last month, it was Patricia Millet. Today, it is Nina Pillard. The qualifications of each of these nominees surpass those of many other attorneys who have been confirmed to the Federal bench. These are three women who have earned their way to the top of the legal profession. They are recognized by legal scholars, practitioners, and men and women alike as being at the top of the profession. It appears Senate Republicans are going to continue to launch filibuster after filibuster at these stellar nominees.

Like Caitlin Halligan and Patricia Millett, I am confident Nina Pillard would be confirmed if Republicans would stop filibustering and allow an up-or-down vote on her nomination. She would get well over the number needed. If Republicans vote in lockstep to continue their filibuster against Nina Pillard, then Senate Republicans will have blocked three outstanding women in a row from being confirmed to what is considered the second highest court in our country.

Senate Republicans have an opportunity to make this right by voting to end the filibuster of Nina Pillard's nomination today, and by voting on the nomination of Patricia Millett once the majority leader brings it again before the Senate as he said he intends to do. Confirming these two highly qualified nominees is the right thing to do and it will make history, once these two extraordinary women are confirmed, the DC Circuit will be the first Federal appellate court in our country to have an equal number of women serving as judges as men.

Wouldn't that be nice? The DC Circuit would actually reflect the proportion of women in this country. It would be a nice move. Despite having filled nearly half of law school classrooms for the last 20 years, women are grossly underrepresented on our Federal courts. What kind of message are Senate Republicans sending by refusing to even allow a vote on three of the most qualified female attorneys in this country?

When Senate Republicans talked about seating John Roberts on one of these seats on the DC Circuit, every Republican and every Democrat supported him. That was no problem for them. Of course, John Roberts was nominated by a Republican President.

We now have women nominees who are equally well qualified, and they are filibustered. Of course, they were nominated by a Democratic President. I guess if you are a Republican and nominate a qualified man, this nominee can be confirmed easily. If you are a Democrat nominating an equally qualified woman, this nominee will be filibustered. What does this say to people in law school? What does it say to our country? What does it say about the impartiality of our Federal bench? We need women in our Federal courts. A vote to end this filibuster is a vote in the historic direction of having our Federal appellate courts more accurately reflect the gender balance of our country.

Nina Pillard is a stellar nominee. She is an accomplished litigator whose work includes 9 Supreme Court oral arguments and briefs in more than 25 Supreme Court cases. She drafted the Federal Government's brief in United States v. Virginia, which after a 7-to-1 decision by the Supreme Court made history by opening the Virginia Military Institute's doors to women students and expanded educational opportunity for women across this country.

As a father who loves his daughter and his three granddaughters, I want to see us start paying attention to the fact that we have both men and women in this country. After Nina Pillard's work in U.S. v. Virginia, hundreds of women have had the opportunity to attend VMI and go on to serve our country. Josiah Bunting III, the superintendent of VMI when female cadets were first integrated into the corps, has since called VMI's transition to coeducation ''one of its finest hours.'' And it was. But it needed somebody like Nina Pillard to bring a case to the Supreme Court so they could have their finest hour.

Nina Pillard has not only stood up for equal opportunities for women but for men as well. In Nevada v. Hibbs she successfully represented a male employee of the State of Nevada who was fired when he tried to take unpaid leave under the Family and Medical Leave Act to care for his sick wife. In a 6-to-3 opinion authored by then-Chief Justice William Rehnquist, the Supreme Court ruled for her client, recognizing that the law protects both men and women in their caregiving roles within the family.

Nina Pillard has also worked at the Department of Justice's Office of Legal Counsel, an office that advises on the most complex constitutional issues facing the executive branch. Prior to that service, she litigated civil rights cases at the NAACP Legal Defense &

Education Fund. At Georgetown Law School—a law school this chairman of the Senate Judiciary Committee loves, having graduated from there—Nina Pillard teaches advanced courses on constitutional law and civil procedure, and co-directs the law school's very prestigious Supreme Court Institute.

She has earned the American Bar Association's highest possible ranking—Unanimously Well Qualified—to serve as a federal appellate judge on the DC Circuit. She also has significant bipartisan support. Viet Dinh, the former Assistant Attorney General for the Office of Legal Policy under President George W. Bush, has written that:

Based on our long and varied professional experience together, I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity Nina . . . has always been fair, reasonable, and sensible in her judgments . . . She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge—qualities that make her well prepared to take on the work of a D.C. Federal Judge.

Former FBI Director and Chief Judge of the Western District of Texas, William Sessions, has written that her ''rare combination of experience, both defending and advising government officials, and representing individuals seeking to vindicate their rights, would be especially valuable in informing her responsibilities as a judge.''

Nina Pillard has also received letters of support from 30 former members of the U.S. armed forces, including 8 retired generals; 25 former Federal prosecutors and other law enforcement officials; 40 Supreme Court practitioners, including Laurence Tribe, Carter Phillips, and Neal Katyal, among others.

I ask unanimous consent to have a list of those letters of support for Ms. Pillard printed in the RECORD at the conclusion of my remarks.

Nina Pillard's nomination does not rise to the level of an extraordinary circumstance, which was what the Gang of 14 decided should be the standard for filibustering nominees back in 2005. According to a Senate Republican who still serves today:

Ideological attacks are not an 'extraordinary circumstance.' To me, it would have to be a character problem, an ethics problem, some allegation about the qualifications of the person, not an ideological bent.

There is no reasonable interpretation of that definition in which one could find an extraordinary circumstance with Nina Pillard. She has no character problem, no ethics problem, and most importantly, she has extraordinary qualifications.

Rather than debate the merits of President Obama's well-qualified nominees to the DC Circuit—because it would be impossible to debate them, as they are so well qualified—Senate Republicans have made clear that partisanship is more important to them than the Federal judiciary, the administration of justice, and the needs of the American people. With the exception of Senators LISA MURKOWSKI and SUSAN COLLINS, every single Republican Senator voted to filibuster Patricia Millett's nomination, arguing that we should not fill existing vacancies because suddenly they are concerned about the need for these existing judgeships. We know this is just a pretext for two reasons. First, they had no such concerns about the unique caseload of the DC Circuit when a Republican was in the White House and nominated judges to the 9th, 10th, and 11th seat. In fact, they filled the seat for this court that John Roberts was unanimously confirmed to when there was a lower caseload. Now, when we have a superbly qualified woman, suddenly she has to be filibustered.

And second, if Republicans actually cared about the cost of hampering our Government's functions they would not have shut down our Federal Government, which cost billions of dollars and set back our recovering economy. Avoiding the needless shutdown of our Government would have paid for all these Federal courts for years. So do not stand up and say we do not want these women on this court. Be honest about it. Do not give me a lot of folderol about numbers and expenses and everything else, because that is all it is: it is folderol.

In 2003, the Senate unanimously confirmed John Roberts by voice vote to be the ninth judge on the DC Circuit—at a time when its caseload was lower than it is today—and, in fact, his confirmation marked the lowest caseload level per judge on the DC Circuit in 20 years. Not a single Senate Republican raised any concerns about whether the caseload warranted his confirmation, and during the Bush administration, they voted to fill four vacancies on the DC Circuit—giving the court a total of 11 judges in active service. Today there are only eight judges on the court. What has changed? It is not the caseload—that has remained fairly constant over the past 10 years. In fact, the cases pending per active judge are actually higher today than they were when President Bush's nominees were confirmed to the DC Circuit. The only thing that has changed is the party of the President nominating judges to the court.

We also should not be comparing the DC Circuit's caseload with the caseload of other circuits, as Republicans have recently done. The DC Circuit is often understood to be the second most important court in the land because of the complex administrative law cases that it handles. The court reviews complicated decisions and rulemakings of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. So comparing the DC Circuit's caseload to other circuits is a false comparison, and those who are attempting to make this comparison are not being fully forthcoming with the American public.

The DC Circuit should be operating at full strength, as it was when President Bush left office. Republicans supported this for President Bush but do not for President Obama. That is shameful. That is wrong. There are currently three vacancies and President Obama has fulfilled his constitutional role by nominating three eminently qualified nominees to fill these seats. Patricia Millett, Nina Pillard, and Robert Wilkins would fill the ninth, tenth, and eleventh seats on the DC Circuit. These are the same seats that were filled during President Bush's tenure when the caseload was lower. Do not give me balderdash; let us deal with reality. Let us judge each nominee based on his or her qualifications and not hide behind some pretextual argument that most Americans can see through.

If the Republican caucus continues to abuse the filibuster rule and obstruct the President's fine nominees to the DC Circuit, then I believe this body will need to consider anew whether a rules change should be in order. That is not a change that I want to see happen, but if Republican Senators are going to hold nominations hostage without consideration of nominees' individual merit, drastic measures may be warranted. I hope it does not come to that. I hope that the same Senators who stepped forward to broker compromise when Republicans shut down the government will decide to put politics aside and vote on the merits of these exceptional nominees. I also hope the same Senators who have said judicial nominations ought not be filibustered barring extraordinary circumstances will stay true to their word. Let us not have a double standard where one President is treated one way and another is treated differently. For the sake of justice in this country, for the sake of the independence of our Federal judiciary, let us stop the filibuster and consider Nina Pillard's nomination based on her qualifications. Let us treat her with the decency that she deserves. This Nation would be better off having her serve as a judge on the Court of Appeals for the DC Circuit.

I have argued cases before courts of appeal. I know how important it is to the administration of justice. I know how important it is for litigants who enter the courtroom not caring whether they are Republican or Democrat, whether they are plaintiff or defendant, whether the State or respondent. I know how important it is to have qualified judges. I call on the few Senators in this body who have argued cases before courts of appeals or before the U.S. Supreme Court to stop this game-playing with our Federal judiciary. Our independent judiciary is a model for the rest of the world. We must stop politicizing it, and stop using feeble, wrong, and misleading excuses. Let us start doing what is right for the country for a change. Stop the bumper sticker slogans. Stop the rhetoric that interferes with reality. Let us start doing what is right.

Would this not be a refreshing change in this country? I saw a poll this afternoon that showed the Congress at a 9 percent approval rating, and I would like to find out who those 9 percent are. Would it not be nice if the American people actually saw us doing what is best for America, and stopped this pettifoggery? Let us do what is right for America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS RECEIVED IN SUPPORT OF CORNELIA PILLARD

June 4, 2013—William T. Coleman Jr., Attorney

July 8, 2013—John M. Townsend, Attorney

July 9, 2013—William S. Sessions, Former Director of the Federal Bureau of Investigation

July 17, 2013—21 Former Office of Legal Counsel Attorneys at the Department of Justice

July 17, 2013—25 Law School Deans

July 17, 2013—25 Former Federal Prosecutors and Law Enforcement Officials

July 17, 2013—40 Members of the Supreme Court Bar

July 18, 2013—Viet Dinh, Former Assistant Attorney General for the Office of Legal Policy at the Department of Justice and Professor of Law at Georgetown

July 22, 2013—30 Retired Members of the Armed Forces

July 22, 2013—Jessica Adler, President, Women's Bar Association of the District of Columbia

July 23, 2013—Virginia Military Institute Alumni

July 24, 2013—Pamela Berman, President, National Conference of Women's Bar Associations

August 7, 2013—Peter M. Reyes, Jr., National President, Hispanic National Bar Association

September 9, 2013—Douglas T. Kendall, Vice President of the Constitutional Accountability Center

September 18, 2013—Shanna Smith, President and CEO, National Fair Housing Alliance

July 23, 2013, September 11, 2013, and November 12, 2013—Wade Henderson, President and CEO, Leadership Conference on Civil and Human Rights

July 23, 2013 and November 12, 2013—Nancy Duff Campbell and Marcia Greenberger, Co-Presidents of the National Women's Law Center

November 12, 2013—Neda Mansoorian, President, California Women Lawyers

The PRESIDING OFFICER. Thirty seconds remains.

Mr. LEAHY. I yield back the remaining 30 seconds.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie K. Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

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

The question is, Is it the sense of the Senate that debate on the nomination of Cornelia T.L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit 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. HATCH (when his name was called). ''Present.''

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNS).

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

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 233 Ex.]

YEAS—56

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

NAYS—41

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

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—2

Inhofe Johanns

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41, 1 Senator responded ''Present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the Pillard nomination.

The PRESIDING OFFICER. The motion is entered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

DRUG QUALITY AND SECURITY ACT—MOTION TO PROCEED—Continued

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

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 236, H.R. 3204, an Act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, and for other purposes.

Harry Reid, Tom Harkin, Patrick J. Leahy, Tom Udall, Mark Begich, Brian Schatz, Al Franken, Barbara Boxer, Richard J. Durbin, Christopher A. Coons, Debbie Stabenow, Benjamin L. Cardin, Sheldon Whitehouse, Patty Murray, Barbara A. Mikulski, Kirsten E. Gillibrand, Jeff Merkley.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3204, an act to amend the Federal Food, Drug, and Cosmetic Act with respect to human drug compounding and drug supply chain security, 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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNS).

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

The yeas and nays resulted—yeas 97, nays 1, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—97

Alexander	Cochran	Heitkamp
Ayotte	Collins	Heller
Baldwin	Coons	Hirono
Barrasso	Corker	Hoeven
Baucus	Cornyn	Isakson
Begich	Crapo	Johnson (SD)
Bennet	Cruz	Johnson (WI)
Blumenthal	Donnelly	Kaine
Blunt	Durbin	King
Booker	Enzi	Kirk
Boozman	Feinstein	Klobuchar
Boxer	Fischer	Landrieu
Brown	Flake	Leahy
Burr	Franken	Lee
Cantwell	Gillibrand	Levin
Cardin	Graham	Manchin
Carper	Grassley	Markey
Casey	Hagan	McCain
Chambliss	Harkin	McCaskill
Coats	Hatch	McConnell
Coburn	Heinrich	Menendez