years when they were in the minority, something the Vice President called ''a naked power grab'' when he was in the Senate.

Washington Democrats changed our democracy irrevocably—irrevocably. They did something they basically promised they would never do. And to what end? To what end? To pack the courts with judges they expect will rubberstamp the President's partisan agenda, to eliminate one of the last remaining obstacles standing between the President and the enactment of his agenda through executive fiat. In short, because they wanted power that the voters have denied them at the ballot box, they tried to get it another way.

So before we all vote this morning, I just want to make sure everybody understands what this vote is all about. Two weeks ago the President and his Democratic allies defied two centuries of tradition, their own prior statements, and—in the case of some Democratic leaders—their own public commitments about following the rules of the Senate.

They did this for one reason: to advance an agenda the American people do not want. It is an agenda that runs straight through the DC Circuit. So now they are putting their people in place, to quote one member of their leadership, ''one way or another.''

This vote is not about any one nominee. It is not about Patricia Millett. It is about an attitude on the left that says the ends justify the means—whatever it takes. They will do whatever it takes to get what they want. That is why we are here today, and that is why I will be opposing this nomination.

Washington Democrats, unfortunately, are focusing their energy on saying and doing anything—anything it takes—to circumvent the representatives of the people. But, ultimately—ultimately—they will be accountable to the American people, and the American people will have their say again very soon—sooner than many of our colleagues might hope.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF PATRICIA ANN MILLETT 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 resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Mr. LEAHY. Mr. President, today, the Senate will finally have the opportunity to vote on the confirmation of Patricia Millett to the U.S. Court of Appeals for the DC Circuit. Over the course of her 25-year legal career, Ms. Millett has risen through the ranks of government and private practice to earn a place among the best appellate practitioners in the country. She has argued 32 cases before the Supreme Court. She worked in the Justice Department under both Republican and Democratic administrations. She is unquestionably qualified and deserves to be confirmed without further delay so she can get to work for the American people.

Patricia Millett's career mirrors that of the last DC Circuit judge to occupy the very seat to which she is nominated—that of John Roberts, Jr. I voted for his confirmation to both the DC Circuit and later to the Supreme Court. I knew at the time of those votes that I would not agree with every decision he would make on the bench, but I voted for him because of his temperament and his excellent reputation as a lawyer. John Roberts was confirmed unanimously to the DC Circuit on the day the Judiciary Committee completed consideration of his nomination and reported it to the Senate—at a time when the caseload of the DC Circuit by any measure was lower than it is today. If only Senate Republicans had been willing to apply the same standard for Ms. Millett. Instead, they decided to filibuster her nomination even though they had promised to only filibuster nominations under ''extraordinary circumstances''. If those Senators had been true to their word, I do not believe we would have reached the tipping point on the use of the filibuster.

By refusing to allow a vote for any existing vacancy on the DC Circuit, Republicans took their determined obstruction to an unprecedented level. As the senior most Senator serving today, I approach changes to the tradition and history of the Senate with great reluctance. I have always believed in the Senate's unique protection of the minority party. I have held to my belief that the best traditions of the Senate would win out; that the 100 of us who stand in the shoes of more than 310 million Americans would do the right thing.

Now that the Senate has changed its precedents to overcome the escalating obstruction of some, I hope reasonable Republicans will join us in restoring the Senate's ability to fulfill its constitutional duties. I hope this will include a vote to confirm Patricia Millett to the DC Circuit.

Ms. Millett is a nominee with unquestionable integrity and character. She has engaged in significant community service and committed herself to pro bono work. She helps the neediest among us, volunteering through her church to prepare meals for the homeless and serving regularly as an overnight monitor at a local shelter.

Through her legal work, Ms. Millett has earned broad bipartisan support. This includes the support of Peter Keisler, Carter Phillips, Kenneth Starr, Theodore Olson, and Paul Clement, and a bipartisan group of 110 appellate practitioners, as well as 37 Deputy Solicitors General and Assistants to the Solicitor General from both Republican and Democratic administrations. She is supported by the national president of the National Fraternal Order of Police, Chuck Canterbury, and many others.

Patricia Millett's service to our Nation is not limited to her legal career or her humanitarianism. She is part of our Nation's storied military family, a family that we have called on repeatedly in the past decade. Her husband is a retired Navy reservist, and as a military spouse, Ms. Millett is part of our Nation's military fabric. She understands personally what we ask of our servicemembers and their families. At the height of Patricia Millett's legal career, her husband received orders to deploy in support of Operation Iraqi Freedom. For nearly a year, she balanced Supreme Court arguments and the demands of being a single parent all while reassuring her children that their father would return home safe.

But not only is Ms. Millett committed to her own military family, she has helped to secure employment protections for members of our National Guard and Reserve through her pro bono legal work. In a case decided by the Supreme Court in 2011, Ms. Millett represented an Army Reservist who was fired, in part, because some of his co-workers did not like his military absences. The successful arguments that Ms. Millett helped craft have made it easier for all members of our Reserve and National Guard to protect their rights under the Uniformed Services Employment and Reemployment Rights Act.

Patricia Millett embodies what we ask our military families to do on behalf of their country. Military spouses juggle all the challenges that every American family faces—but often with the added pressure of deployments and extended separations. I want to thank all the military spouses who are in the Senate gallery today and those watching on C–SPAN who have worked tirelessly to support the nomination of ''one of their own''. We should recognize, honor and support our military families not just through words, but through meaningful action. A vote to confirm Patricia Millett is that meaningful action.

Today the Senate finally has the opportunity to vote for the confirmation of Patricia Millett. I urge my fellow Senators to join me in supporting this outstanding nominee.

Mr. HATCH. Mr. President, over the past few months, here on the Senate floor, in the Judiciary Committee, and in op-eds in national publications, I have explained why the pending nominees to the U.S. Court of Appeals for the DC Circuit should not be confirmed. Neither those facts nor the conclusion they compel have changed and

so I will vote against confirming the nominee before us.

The majority changed more than 200 years of Senate practice, taking away one of the few tools the minority has to participate in either the confirmation or legislative process. On nothing more than a party line vote, the majority deployed a premeditated parliamentary maneuver to prohibit the very filibusters that majority Senators once used.

Getting these three individuals on this particular court at this particular time is apparently so important that the majority is willing to change the very nature of this institution to do it. I believe the reason is the majority's belief that, as DC Circuit judges, these nominees will reliably support actions by the executive branch agencies that are driving much of President Obama's political agenda.

Democrats enthusiastically embraced the filibuster when they used it to block Republican nominees to positions in both the executive and judicial branches. They used the filibuster to defeat nominees to be Assistant Secretary of Defense, Undersecretary of Agriculture, and U.N. Ambassador. They used the filibuster to defeat nominees to the Fifth Circuit, the Sixth Circuit, and the Ninth Circuit. They filibustered Miguel Estrada's nomination a record seven times to keep him off the DC Circuit. Three-quarters of all votes for judicial nominee filibusters in American history have been cast by Democrats. The majority leader alone voted to filibuster Republican judicial nominees no less than 26 times.

That was then, this is now. Simply turning on a political dime and opposing today what Democrats used so aggressively just a few years ago would be bad enough. But this radical institutional change is being justified by patently false claims. The majority leader claims as proof of ''unprecedented obstruction'' that there have been 168 nominee filibusters in American history, half of them during the Obama administration.

It turns out, Mr. President, that the majority leader is not even counting filibusters at all. He is counting cloture motions, which are nothing but requests to end debate on a matter pending before the Senate. A filibuster occurs only when that request to end debate is denied, when an attempt to end debate fails. Only 52 cloture votes on executive or judicial nominations have ever failed in American history, and only 19 nominees on whom cloture was filed were not confirmed. Looking at the Obama administration, only 14 cloture votes on nominations have failed and only six nominees have so far not been confirmed.

During the Obama administration, a much lower percentage of cloture motions on nominations have resulted in cloture votes, a much higher percentage of those cloture votes have passed, and a much higher percentage of nominees on whom cloture was filed have been confirmed. By what I have called filibuster fraud, the majority ends up claiming that confirmed nominees were obstructed and that ending debate is a filibuster. The truth is the opposite of what the majority claimed as the justification for ending nominee filibusters.

I regret that the President and the majority here in the Senate deliberately set up this political confrontation. I have explained in detail before how the DC Circuit's current level of eight active and six senior judges is sufficient to handle its caseload, which has been declining for years, while other circuits need more judges. I likely could support the nominee before us today had she been nominated to a seat that needed to be filled on a court that needed more judges.

Using false claims to justify radically changing the confirmation process in order to stack a court with judges who will rubberstamp the President's political agenda is wrong in so many ways. I hope there is time to undo the damage.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Patricia Ann Millett, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit?

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

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

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 247 Ex.]

YEAS—56

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

NAYS—38

Alexander	Fischer	Moran
Ayotte	Flake	Paul
Barrasso	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hatch	Roberts
Burr	Heller	Rubio
Chambliss	Hoeven	Scott
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Lee	Toomey
Crapo	McCain	Wicker
Enzi	McConnell	

NOT VOTING—6

Cochran	Cruz	Kirk
Coons	Johnson (WI)	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

NOMINATION OF MELVIN L. WATT TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY—MOTION TO PROCEED

Mr. REID. I move to proceed to reconsider the vote by which cloture was not invoked on the Watt nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. 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 Delaware (Mr. COONS) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted ''nay.''

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—54

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

NAYS—42

Alexander	Barrasso	Boozman
Ayotte	Blunt	Burr