

motion to concur; that if cloture is invoked, all postcloture time be yielded back and the Senate proceed to vote on the motion to concur in the House amendment to S. 540; that upon disposition of the House message to accompany S. 540, the Chair lay before the body the House message to accompany S. 25, with the remaining provisions of the previous order remaining in effect, with the debate time modified to be 2 minutes equally divided in the usual form prior to the vote on the motion to concur in the House amendment to S. 25; that if cloture is not invoked on the motion to concur in the House amendment to S. 540, the Chair lay before the body the House message to accompany S. 25, with the remaining provisions of the previous order remaining in effect with the exception of the debate time which will now be 2 minutes equally divided in the usual form prior to the vote on the motion to concur in the House amendment to S. 25.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF TINA S. KAIDANOW TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE

NOMINATION OF DANIEL BENNETT SMITH TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH)

NOMINATION OF CATHERINE ANN NOVELLI TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK

NOMINATION OF CATHERINE ANN NOVELLI TO BE AN UNDER SECRETARY OF STATE (ECONOMIC GROWTH, ENERGY, AND THE ENVIRONMENT)

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

The assistant legislative clerk read the nominations of Tina S. Kaidanow, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at

Large; Daniel Bennett Smith, of Virginia, to be an Assistant Secretary of State (Intelligence and Research); Catherine Ann Novelli, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development; United States Alternate Governor of the Inter-American Development Bank; and Catherine Ann Novelli, of Virginia, to be an Under Secretary of State (Economic Growth, Energy, and the Environment).

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

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, it is my hope that we do not have to use 30 minutes. But let me start off by saying I am very pleased we have three highly qualified nominees for posts at the State Department that are critical to America's national security and economic diplomacy. These nominees were voted out favorably by the Foreign Relations Committee.

Ambassador Tina Kaidanow is well qualified to serve as Coordinator for Counterterrorism at the Department of State. In a long career, most recently she served as the Deputy Ambassador at the U.S. Embassy in Kabul. In Kabul she worked on some of the most difficult and pressing terrorism issues the United States faces. She previously served as Deputy Assistant Secretary of State for European and Eurasian Affairs.

Ambassador Kaidanow has shown the ability to forge the types of partnerships necessary to advance the counterterrorism objectives and national security of the United States. I hope all of my colleagues will join me in supporting her nomination.

Next is Daniel Bennett Smith, the President's nominee for Assistant Secretary of State for Intelligence and Research. This is an incredibly important position as the State Department thinks about our advocacy abroad in terms of foreign policy. Having the best information on intelligence and research is critically important, and certainly playing a role as it relates to embassy security across the globe is very important.

Ambassador Smith served as the U.S. Ambassador to Greece from 2010 to 2013. He has been a career officer in the Senior Foreign Service, with the rank of Career Minister. He has served as Executive Secretary of the State Department and as Principal Deputy Assistant Secretary for Consular Affairs and Deputy Executive Secretary.

If confirmed, he will advise State Department officials on the many intelligence issues the Department faces—issues that are critical to policymakers' decisions as they relate to U.S. foreign policy efforts. I urge my colleagues to support his nomination.

Finally, Catherine Ann Novelli is in a unique opportunity to help us, particularly with our economic diplomacy

abroad. With over three decades of experience in the public and private sectors, including at senior levels at Apple and in the Office of the U.S. Trade Representative, Ms. Novelli has shown a deep personal commitment to public service. She will bring tremendous private sector skills, understanding of the interagency process, and knowledge of international economic issues to her role as the most senior economic official at the State Department and as an Alternate Governor to the important multilateral development banks that are a big part of our efforts abroad.

Ms. Novelli's experience at the USTR coordinating trade and investment policy for Europe, the Middle East, and northern Africa and the leading role she played in many of the most important U.S. trade negotiations of the last 25 years make her an ideal candidate to lead the State Department's engagement in our country's most ambitious trade agenda in generations.

One thing I find particularly important—as I always advocate questions on international intellectual property rights and other elements that are important to the United States, which leads the world in innovation—our private sector is facing tougher international competition. The world's serious environmental threats and a changing energy landscape are also elements of those challenges.

We are fortunate to have someone with Ms. Novelli's expertise in promoting trade and investment and her intimate knowledge of the support needed to ensure our private sector remains globally competitive. She is the right person to oversee the State Department's efforts to increase commerce, open markets, and support the rights of workers. I urge my colleagues to support her nomination.

These are three very important, critical positions, and I look forward to the Senate confirming these individuals.

With that, Madam President, I ask unanimous consent to yield back all time on both sides, including the 2 minutes prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON KAIDANOW NOMINATION

The question is, Will the Senate advise and consent to the nomination of Tina S. Kaidanow, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large?

Mr. MENENDEZ. 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 West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—98

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeben	Roberts
Brown	Inhofe	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Scott
Casey	Kaine	Sessions
Chambliss	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Lee	Toomey
Cornyn	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Cruz	Markey	Vitter
Donnelly	McCain	Walsh
Durbin	McCaskill	Warner
Enzi	McConnell	Warren
Feinstein	Menendez	Whitehouse
Fischer	Merkley	Wicker
Flake	Mikulski	Wyden
Franken	Moran	

NOT VOTING—2

Coburn Rockefeller

The nomination was confirmed.

VOTE ON SMITH NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the Smith nomination.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise to support the nomination of Ambassador Daniel Bennett Smith to be the Assistant Secretary of State for Intelligence and Research.

I am not aware of any opposition to this nominee and so look forward to a strong vote of confirmation by my colleagues. I am also pleased that the State Department's Bureau of Intelligence and Research, known as INR, will continue to have strong leadership by a respected senior member of the foreign service.

The INR Bureau is a small, but effective entity within the U.S. intelligence community. In fact, it only has approximately 200 analysts, but it has a very strong reputation for independent and unbiased analysis. Its intelligence professionals include those from the foreign service and the civil service, including many who have decades of experience in the topics they cover.

These analysts are prized for the intelligence value they provide to senior State Department officials, to include the Secretary and his team, ambassadors, and the men and women who work the country desks.

INR also brings the State Department's knowledge and viewpoint to discussions and debates within the intelligence community, helping to ensure

that intelligence decisions are informed by diplomatic requirements and information gained by our embassies around the world.

In the past several years, INR has perhaps become best known for its dissents from some of the main points in the flawed intelligence reports that led to the war in Iraq. Unfortunately, those dissents were marginalized in key intelligence products and not provided adequate scrutiny. As a result, I can tell my colleagues that members of the intelligence committee pay special attention to dissenting voices in the intelligence community, and always to the views of INR.

The primary mission of this Bureau is to provide intelligence to policymakers at the State Department. INR is one of the three all-source analytic agencies within the intelligence community, along with the CIA and Defense Intelligence Agency.

INR also ensures that intelligence operations and sensitive intelligence-related law enforcement activities are consistent with U.S. foreign policy. The Assistant Secretary for INR is therefore the conduit between the intelligence community and the State Department to ensure that our intelligence activities and the conduct of our foreign policy are coordinated and aligned.

In sum, the Assistant Secretary for INR is both an independent leader of an intelligence community agency and the Secretary of State's point person on intelligence matters.

Ambassador Smith is well-qualified to be the Assistant Secretary of State for Intelligence and Research. He has served for 30 years as a Foreign Service officer and in a variety of positions at the State Department. Most recently he was Ambassador to Greece (from 2010 to 2013).

Ambassador Smith has also served as Executive Secretary of the State Department, Principal Deputy Secretary for Consular Affairs, and in overseas posts in Bern, Istanbul, Ottawa, and Stockholm. He is a career officer in the Senior Foreign Service with the rank of Career Minister.

The Intelligence Committee approved Ambassador Smith by voice vote on January 16, with unanimous support. A month earlier, on December 17, 2013, the committee held an open hearing on his nomination. After Ambassador Smith was voted out of our committee, the Foreign Relations Committee held a hearing on his nomination on January 28.

Ambassador Smith has had a long and distinguished career at the State Department that will serve him well in this position. I urge my colleagues to support the nomination of Ambassador Daniel Bennett Smith to be Assistant Secretary of State for Intelligence and Research.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. We yield back.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Daniel Bennett Smith, of Virginia, to be an Assistant Secretary of State (Intelligence and Research)?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 31 Ex.]

YEAS—98

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeben	Roberts
Brown	Inhofe	Rubio
Burr	Isakson	Sanders
Cantwell	Johanns	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Johnson (WI)	Scott
Casey	Kaine	Sessions
Chambliss	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Landrieu	Tester
Coons	Leahy	Thune
Corker	Lee	Toomey
Cornyn	Levin	Udall (CO)
Crapo	Manchin	Udall (NM)
Cruz	Markey	Vitter
Donnelly	McCain	Walsh
Durbin	McCaskill	Warner
Enzi	McConnell	Warren
Feinstein	Menendez	Whitehouse
Fischer	Merkley	Wicker
Flake	Mikulski	Wyden
Franken	Moran	

NOT VOTING—2

Coburn Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The next vote will be the last in this series of votes. The next one we will do by voice vote, and then we will start a series of votes at 1:45. There could be as many as 11 votes, so everybody cinch up their vests, and we will see what happens.

VOTE ON NOVELLI NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the first Novelli nomination.

Who yields time? Who yields time?

Mr. VITTER. I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

Mr. CRAPO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of

Catherine Ann Novelli, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years?

The clerk will call the roll.

The assistant bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Florida (Mr. RUBIO).

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

[Rollcall Vote No. 32 Ex.]

YEAS—97

Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murphy
Baldwin	Grassley	Murray
Barrasso	Hagan	Nelson
Begich	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Pryor
Blunt	Heitkamp	Reed
Booker	Heller	Reid
Boozman	Hirono	Risch
Boxer	Hoeben	Roberts
Brown	Inhofe	Sanders
Burr	Isakson	Schatz
Cantwell	Johanns	Schumer
Cardin	Johnson (SD)	Scott
Carper	Johnson (WI)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Shelby
Coats	Kirk	Stabenow
Cochran	Klobuchar	Tester
Collins	Landrieu	Thune
Coons	Leahy	Toomey
Corker	Lee	Udall (CO)
Cornyn	Levin	Udall (NM)
Crapo	Manchin	Vitter
Cruz	Markey	McCain
Donnelly	McCaskill	Walsh
Durbin	McConnell	Warner
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Fischer	Mikulski	Wicker
Flake	Moran	Wyden
Franken		

NOT VOTING—3

Coburn Rockefeller Rubio

The nomination was confirmed.

VOTE ON NOVELLI NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the second Novelli nomination.

Mr. PRYOR. Madam President, I ask unanimous consent that all time be yielded back.

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

The question is, Will the Senate advise and consent to the nomination of Catherine Ann Novelli, of Virginia, to be an Under Secretary of State (Economic Growth, Energy, and the Environment)?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the time until 1:45 is equally divided.

The Senator from Arkansas.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. PRYOR. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 565 and 570; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object—and I will object—I wish to remind my colleagues of a couple important points.

First, over the last several weeks some of my colleagues in the majority have expressed frustration because some of the nominees they support haven't been brought up for a final vote. I must say this is quite surprising to me.

As everyone knows, late last year the Senate Democrats invoked the so-called nuclear option. The stated reason for doing so of course was to strip the minority of our ability to stop any judicial or executive nominees on the floor. In fact, just before invoking the so-called nuclear option, here is what the majority leader said about it:

The change we propose today would ensure executive and judicial nominations an up or down vote on confirmation—yes or no.

The rule change will make cloture for all nominations other than the Supreme Court a majority threshold vote—yes or no.

Of course, 52 Democrats voted to take this unprecedented step, which tossed aside two centuries of Senate history and tradition, even though this President has an outstanding record of getting his nominations confirmed. In fact, prior to the President's attempt to fill the DC Circuit with judges they didn't need, the Senate had confirmed 215 of the President's judicial nominees, rejecting only 2. That is more than a 99-percent approval rating of the President's nominees.

Notwithstanding that record, however, the majority voted to cut the minority out of the process on the floor. I note there was bipartisan opposition to what the majority leader tried to accomplish. Three Democrats voted

against it. I have to give credit to the Senator from Arkansas who has made this unanimous consent to be one of those who thought the minority should not be cut out of the process.

The bottom line is that under the precedent 52 Democrats voted to establish, the majority leader now can bring up at any time these nominations for a vote on the floor whenever he decides to do it. If he did, the nominees would be confirmed within no more than 2 hours of debate.

So the minority simply has no ability to stop anyone from getting a vote. There is no filibuster of any nominees anymore, which is the whole point of what the majority chose to do in November.

I object to this unanimous consent and respectfully suggest that any Senator—including the Senator from Arkansas—discuss the matter with the one individual who has the ability to bypass the minority in that matter, and that happens to be the one Senator who is the majority leader of the Senate.

I do object, and I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mr. PRYOR. Madam President, I wish to respond and further explain.

We have two judges pending on the calendar right now. In the sequence of judges to be considered, they are No. 2 and No. 7; one is Timothy Brooks and the other is James Moody.

Tim Brooks was nominated by the White House in June and came out of the Judiciary Committee in October. Jay Moody was nominated by the White House in July and came out of the Judiciary Committee in November.

On the Federal bench in Arkansas district court level, we have eight judges. We now have two vacancies. I don't wish to be dramatic and declare a judicial emergency, but certainly people should understand we are only working at 75 percent horsepower right now and we need to get these judges confirmed forthwith.

Yesterday, I stood at my desk and notified the Senate I was going to make this request. I did not receive an objection, as far as I know—unless maybe a staff person talked to a staff person. But I never heard of any objection.

It is bad enough to have 25 percent of our judiciary in Arkansas which needs to be filled, but the real urgency for this is a matter of State law. James Moody is an elected State court judge. He is an elected trial court judge. Under Arkansas law, this is a non-partisan position. Our filing deadline for the 2014 election cycle opens on the 24th of February and it goes to March 3.

So here is the problem: Today is February 12. We are about to have a snowstorm tonight and the next few days and next week we are on recess. We come back on February 24. The filing period will already be open in Arkansas. I wish I could tell Judge Moody: