

I want to thank Leader REID and Leader MCCONNELL for bringing these nominees to the Senate floor. I also want to take a moment to thank my colleague from the great Commonwealth of Pennsylvania, Senator CASEY, for all the work he and I have been able to do together. The collaboration we have had has been very constructive and it has been a pleasure to work with Senator CASEY. In the 4 years I have been in the Senate, we have confirmed 11 district court judges. We have been able to place a judge in the Reading courthouse in Berks County which had been vacant for 3 years. We were able to place a judge in Easton courthouse in Northampton County which had been vacant for 10 years. With the confirmations that I am certainly hopeful about tonight, Mr. Pappert and Mr. Kearney, that number will rise to 13 members of the Federal bench from Pennsylvania in just the past 4 years.

We have one additional district court nominee, Joseph Leeson, awaiting a vote from the full Senate, and I am looking at a speedy confirmation of his candidacy as well.

Before I speak on the two nominees before us this evening, I want to briefly note how pleased I was that on November 20 the Senate confirmed Wendy Beetlestone to serve on the District Court for the Eastern District of Pennsylvania. She was confirmed unanimously by voice vote and I think that was a testament to her strong qualifications. I am delighted that Senator CASEY and I were able to see that to completion.

Let me say a couple of words about Jerry Pappert.

Senator CASEY spoke about Mr. Pappert. Jerry Pappert is eminently qualified for this post. He is a graduate of Notre Dame Law School and has an extensive and diverse legal background. He is currently a partner at Cozen O'Connor, which is a practice that has an emphasis on commercial litigation.

Prior to that he was the general counsel at Cephalon, where he oversaw all of the company's litigation, financial transactions, and intellectual property issues.

Not only has he handled a very wide range of issues in the private sector, but Mr. Pappert has also demonstrated his dedication to public service. As Senator CASEY pointed out, he was a very successful attorney general for Pennsylvania for 6 years. He has successfully argued cases before the U.S. and Pennsylvania Supreme Courts. He won a landmark case before the U.S. Supreme Court, *Booth v. Churner*, which set forth the administrative exhaustion requirement for a prisoner seeking to sue in Federal court.

Mr. Pappert has also enjoyed bipartisan support in the Senate. The Senate Judiciary Committee successfully voted him out of committee on a voice vote back in September.

Mark Kearney is the other gentleman we will be voting on in a short time. He

is a graduate of Villanova University School of Law and a very successful attorney. As Senator CASEY pointed out, he is a managing shareholder at Elliott Greenleaf & Siedzikowski, where he has been for 24 years and practices commercial litigation.

Mr. Kearney is highly respected by his colleagues. He received the AV peer review rating in the Martindale-Hubbell system—the highest rating. He has also taken time to give back to his community. He put a lot of time and energy into an issue that is very important to me; that is, protecting children from dangerous predators. Mr. Kearney has worked with the Montgomery County Child Advocacy Project, representing abused children, and I commend him for that service.

Mr. Kearney has also enjoyed bipartisan support in the Senate. He was voice voted out by the Senate Judiciary Committee, reflecting unanimous support for his candidacy.

It is clear, and I believe strongly, that both Mr. Pappert and Mr. Kearney have the experience, acumen, and commitment to public service that will make them excellent additions to the Federal bench. I am pleased to speak on their behalf, and I am grateful to Senator CASEY for the cooperative effort that has gotten us to this point.

I urge my colleagues to support the confirmation of these two outstanding individuals.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

#### NOMINATION OF DAVID J. HALE TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David J. Hale, of Kentucky, to be United States District Judge for the Western District of Kentucky?

The nomination was confirmed.

#### NOMINATION OF MARK A. KEARNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Mark A. Kearney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

#### NOMINATION OF GERALD J. PAPPERT TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will

the Senate advise and consent to the nomination of Gerald J. Pappert, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the motion to invoke cloture on the Orr nomination.

Who yields time?

Mr. GRASSLEY. I yield back our time.

Mrs. FEINSTEIN. I yield back our time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy.

Harry Reid, Mary Landrieu, Jon Tester, Barbara Boxer, Charles E. Schumer, Benjamin L. Cardin, Patrick J. Leahy, Richard J. Durbin, Robert P. Casey, Jr., Christopher A. Coons, John D. Rockefeller IV, Carl Levin, Bill Nelson, Ron Wyden, Sheldon Whitehouse, Christopher Murphy, Patty Murray, Tom Udall.

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 Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy, 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 Louisiana (Ms. LANDRIEU) and the Senator from Colorado (Mr. UDALL) are necessarily absent.

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

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

The yeas and nays resulted—yeas 71, nays 25, as follows:

[Rollcall Vote No. 306 Ex.]

#### YEAS—71

Alexander	Blumenthal	Cardin
Ayotte	Booker	Carper
Baldwin	Boxer	Casey
Barrasso	Brown	Chambliss
Begich	Burr	Coats
Bennet	Cantwell	Collins

Coons	King	Reed
Cornyn	Kirk	Reid
Donnelly	Klobuchar	Rockefeller
Durbin	Leahy	Sanders
Feinstein	Levin	Schatz
Flake	Manchin	Schumer
Franken	Markey	Shaheen
Gillibrand	McCaskill	Stabenow
Graham	Menendez	Tester
Hagan	Merkley	Toomey
Harkin	Mikulski	Udall (NM)
Hatch	Murkowski	Vitter
Heinrich	Murphy	Walsh
Heitkamp	Murray	Warner
Hirono	Nelson	Warren
Isakson	Paul	Whitehouse
Johnson (SD)	Portman	Wyden
Kaine	Pryor	

## NAYS—25

Blunt	Hoeven	Roberts
Boozman	Inhofe	Rubio
Corker	Johanns	Scott
Crapo	Johnson (WI)	Sessions
Cruz	Lee	Shelby
Enzi	McCain	Thune
Fischer	McConnell	Wicker
Grassley	Moran	
Heller	Risch	

## NOT VOTING—4

Coburn	Landrieu
Cochran	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 25. The motion is agreed to.

### NOMINATION OF FRANKLIN M. ORR, JR., TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Franklin M. Orr, Jr., of California, to be Under Secretary for Science, Department of Energy.

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the motion to invoke cloture on the Hezir nomination.

Who yields time?

Mr. CARDIN. I ask unanimous consent all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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 nomination of Joseph S. Hezir, of Virginia, to be Chief Financial Officer, Department of Energy.

Harry Reid, Mary Landrieu, Patrick J. Leahy, Elizabeth Warren, Robert Menendez, Barbara Mikulski, Jack Reed, Richard Blumenthal, Carl Levin, Christopher Murphy, Kirsten E. Gillibrand, Sheldon Whitehouse, Patty Murray, Thomas Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin Cardin.

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 Joseph S. Hezir, of Virginia, to be Chief Financial Officer of the Department of Energy, 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. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

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

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

The yeas and nays resulted—yeas 68, nays 27, as follows:

[Rollcall Vote No. 307 Ex.]

### YEAS—68

Ayotte	Gillibrand	Murphy
Baldwin	Graham	Murray
Begich	Hagan	Nelson
Bennet	Harkin	Paul
Blumenthal	Hatch	Pryor
Blunt	Heinrich	Reed
Booker	Heitkamp	Reid
Boxer	Hirono	Rubio
Brown	Inhofe	Sanders
Cantwell	Isakson	Schatz
Cardin	Johnson (SD)	Schumer
Carper	Kaine	Sessions
Casey	King	Shaheen
Chambliss	Klobuchar	Stabenow
Coats	Leahy	Tester
Collins	Levin	Toomey
Coons	Manchin	Udall (NM)
Cornyn	Markey	Walsh
Donnelly	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden
Franken	Murkowski	

### NAYS—27

Alexander	Grassley	Moran
Barrasso	Heller	Portman
Boozman	Hoeven	Risch
Burr	Johanns	Roberts
Corker	Johnson (WI)	Scott
Crapo	Kirk	Shelby
Cruz	Lee	Thune
Enzi	McCain	Vitter
Fischer	McConnell	Wicker

### NOT VOTING—5

Coburn	Landrieu	Udall (CO)
Cochran	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 27.

The motion is agreed to.

### JOSEPH S. HEZIR TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Joseph S. Hezir, of Virginia, to be Chief Financial Officer, Department of Energy.

The PRESIDING OFFICER. Under the previous order, with respect to the confirmation votes on the Hale, Kearney, and Pappert nominations, the

motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEINRICH). Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that all postcloture time on the Orr and Hezir nominations be considered expired and the votes on confirmation of these nominations occur at 10 a.m. tomorrow morning.

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

### MORNING BUSINESS

Mr. REID. Finally, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

### EXECUTIVE SESSION

### NOMINATION OF GREGORY N. STIVERS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY

Mr. REID. I now move to proceed to executive session to consider Calendar No. 1039.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky.

### CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk, and I ask for it to be reported.

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 the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Harry Reid, Patrick J. Leahy, Christopher Murphy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F.