

of New York, where he helped protect New Yorkers by prosecuting cases involving organized crime, international narcotics trafficking, and violent crimes. I urge the Senate to vote in full support of Mr. Broderick's nomination.

Mr. DURBIN. Mr. President, I rise to speak about the nomination of Valerie Caproni to serve as a judge on the U.S. District Court for the Southern District of New York.

When the Senate Judiciary Committee considered Ms. Caproni's nomination on June 13 and reported her nomination out of committee, I asked to be recorded as a "pass" on the vote. I did so because I wanted to meet in person with Ms. Caproni to discuss matters that she worked on when she served as general counsel of the Federal Bureau of Investigation from 2003 to 2011.

During Ms. Caproni's tenure, the FBI adopted controversial new investigative policies and implemented sweeping new surveillance authorities granted by the USA PATRIOT Act.

For example, revised Attorney General's guidelines for FBI investigations and the FBI's Domestic Investigations and Operations Guide allow the FBI to conduct "assessments" using intrusive surveillance techniques on innocent Americans with no indication of wrongdoing or other factual predicate. And while the Justice Department's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies" prohibits the use of profiling by Federal law enforcement in "traditional law enforcement activities," this ban does not apply to profiling based on religion and national origin, and it does not apply to national security and border security investigations.

The Justice Department's Inspector General concluded that the FBI was guilty of "widespread and serious misuse" of the National Security Letter authority when Ms. Caproni was general counsel. Also during Ms. Caproni's tenure, the FBI interpreted section 215 of the PATRIOT Act to permit the collection of noncontent "metadata" on every phone call of every American, including the numbers of both callers and the time and duration of the call.

As general counsel, Ms. Caproni would have been the final word in the FBI on the legality of these and all other Bureau activities.

As a result of my concerns about Ms. Caproni's involvement in these activities, I asked for her commitment, if confirmed, to recuse herself from matters on which she had been involved or provided legal advice while working for the FBI or on which her impartiality might reasonably be questioned.

I met in my office with Ms. Caproni on June 25, and on July 8, Ms. Caproni sent me a letter memorializing her commitment to recuse herself from such matters. I appreciated receiving this letter, and I ask unanimous consent that the letter be printed in the RECORD.

In light of our meeting and Ms. Caproni's commitments to me, I will

not oppose her nomination to the district court.

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

Washington, DC, July 8, 2013.

Hon. RICHARD DURBIN,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: Thank you for the opportunity to meet with you to discuss my nomination as a judge for the United States District Court for the Southern District of New York. It was a pleasure to meet with you and your staff.

As I indicated in my Senate Judiciary Committee Questionnaire, if confirmed, I would follow the Code of Conduct for United States Judges, as well as any other applicable ethics rules or federal statutes to resolve any potential conflicts of interest. As I further stated, if I had personal or supervisory involvement in a matter while at the FBI or Northrop Grumman, I would not participate in it as a judge.

To follow up on our conversation and to be more specific, as required by 28 U.S.C. §455, I would recuse myself from any case in which my impartiality could reasonably be questioned. I would certainly recuse myself if I were presented with a case that would require me to rule on the legality of a national security program as to which I provided legal advice while I was a government employee, unless there were controlling precedent already in place regarding such a program. If such precedent did exist, I nonetheless would consider recusal on a case-by-case basis, carefully considering any arguments and consulting with appropriate experts on judicial ethics and, if appropriate, my colleagues. In those cases in which I did not recuse, I would apply controlling law.

Please let me know if you have any other questions or matters you would like to discuss.

Very truly yours,

VALERIE CAPRONI.

Mr. DURBIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARDIN. Mr. President, I yield back the time.

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

The question is, Will the Senate advise and consent to the nomination of Valerie E. Caproni, of the District of Columbia, to be United States District Judge for the Southern District of New York?

Mr. CARDIN. 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 Louisiana (Ms. LANDRIEU) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—73

Baldwin	Gillibrand	Murray
Baucus	Graham	Nelson
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Rockefeller
Burr	Hirono	Sanders
Cantwell	Isakson	Schatz
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Stabenow
Chiesa	Klobuchar	Tester
Coats	Leahy	Thune
Collins	Levin	Toomey
Coons	Manchin	Udall (CO)
Corker	Markey	Udall (NM)
Cornyn	McCain	Vitter
Donnelly	McCaskey	Warren
Durbin	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Mikulski	Wyden
Flake	Murkowski	
Franken	Murphy	

NAYS—24

Ayotte	Enzi	Merkley
Barrasso	Grassley	Moran
Blunt	Heller	Paul
Boozman	Hoeben	Risch
Coburn	Inhofe	Roberts
Cochran	Johnson (WI)	Rubio
Crapo	Kirk	Scott
Cruz	Lee	Shelby

NOT VOTING—3

Alexander	Landrieu	Warner
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The nomination was confirmed.

VOTE ON VERNON S. BRODERICK

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Vernon S. Broderick, of New York, to be United States District Judge for the Southern District of New York?

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 be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we 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.

SYRIA

Mr. REID. Mr. President, tomorrow the President is going to brief the Democratic caucus and the Republican caucus separately. He is going to address the Nation tomorrow night. As we all know, there are international discussions relevant to the matter in Syria.

Normally what I would do in a situation such as this is file cloture today, but I don't think that is to our benefit. I don't think we need to see how fast we can do this; we have to see how well we can do this, so I will not file cloture this evening on the Syria resolution.

I have spoken to the Republican leader. I have talked to virtually all of my Democratic Senators. We have enough votes to get cloture, but I don't think we should be counting numbers tonight. I think what we need to do is to make sure the President has the opportunity to speak to all 100 Senators and all 300 million American people before we do this.

As I have said before, when we get on this, we are going to deal with this in a manner that is dignified and move forward in a way that is expeditious, yet thorough.

I have discussed this with the President and other people in the administration. I repeat: I wish to make sure the President has a full opportunity to make his case to the Senate and the American people before we vote on this matter.

As always, I will continue to discuss this with Senator McCONNELL, and we will see if we can reach some kind of agreement to move forward without cloture. If that doesn't work out, I will file cloture when it is appropriate.

The PRESIDING OFFICER. The Senator from Ohio.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent to speak as if in morning business for up to 15 minutes. After I conclude my remarks, I ask that Senator INHOFE of Oklahoma and Senator CASEY of Pennsylvania be recognized.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

The Senator from Ohio.

LABOR DAY

Mr. BROWN. Mr. President, most of us were in our States over Labor Day. I usually come to the floor a few days after Labor Day to talk about the importance of Labor Day and what it means to working Americans, what it has meant to our country, and what it has meant to building a strong middle class.

I would like to read a letter sent to me by Bill Ross, who is an Ohio business leader. Mr. Ross writes:

I grew up in a first generation immigrant family in a small Ohio town.

My father, who obtained only an 8th grade education (not uncommon for his generation), worked hard in an industrial job.

My mother worked at home to care for our family of 5 children. When able to do so, she went to work outside the household too.

We rented a home for \$25 a month, ate nutritious meals at home, and all walked to school with clean clothes each day.

All five children went to college, obtained post-graduate professional degrees, and pursued rewarding professional careers in law, education and business.

How did that happen?

Because, first and foremost, my father had a job with a living wage and health care for his family that his union protected. Because we had access to good quality public education. Because we had access to affordable state universities and student loan programs that we could later afford to repay. Because blue collar working people had a chance.

I hope we can restore all that in America again.

Bill Ross's story is very much like my wife Connie's story. Bill Ross was born in Ashtabula a bit before my wife who was also born there. Bill Ross's dad carried a union card and his mother went to work when she could. My wife's father carried a utility worker's union card for more than 30 years in Ashtabula, OH. Her mother was a home care worker who worked, when she could, after the children were a little older.

My wife, as did Bill Ross, was able to go to school with minimal debt. She graduated from Kent State University in the 1970s with not much more than \$1,200 in student debt.

The ability of a living wage and carrying a union card gave them a reason to celebrate Labor Day because it gave so many working families a chance.

The Presiding Officer comes from a State much like mine. He understands the importance of carrying a union card and getting a living wage gives people the kind of opportunity that people in this country deserve.

For generations hard-working Americans left their homes every morning, and some at night, to earn an honest living. They bent with swollen knees to put on steel-toed work boots to provide for loved ones. They put up with calloused hands to build a better life for their children.

Middle-class Americans and people struggling to enter the middle class labored to ensure that children have enough food and clean clothes and an adequate education to thrive.

We know steelworkers, nurses, mechanics, teachers, and plumbers are not always treated with the dignity they deserve—especially, far too often, from our elected officials.

American history is a history of struggle for working people—fighting for representation and fair wages, for access to good-paying jobs, and for the dignity every human being deserves. It is about fighting for democracy and civil rights—as we were reminded a few days ago when we marked the 50th anniversary of the March on Washington for jobs and freedom.

More than a century ago, when John Patterson Green, an Ohioan, and

Cedarville native John Henderson Kyle introduced a bill to establish Labor Day as a State holiday in Ohio, they were not thinking of any one segment of the population. They were focused on the rights of all Americans who work hard and play by the rules.

Since then, we have seen how the middle class grew when we ensured that hard work is rewarded with fair pay and decent benefits.

Seventy-five years ago, President Roosevelt signed the Fair Labor Standards Act, which ultimately ensured that American workers would receive a minimum wage, reasonable work hours, and an end to child labor.

One of the authors of that bill, Senator Hugo Black, sat at this specific desk in the Senate and supported Social Security, minimum wage, and paying for overtime. He initially introduced that legislation in 1932.

President Roosevelt led us to decades of prosperity by ensuring that hard work is met with fair wages and decent working conditions. A minimum wage helped to lift millions of Americans from poverty and allowed them to join the middle class.

Today workers face new challenges. While corporate executives and Wall Street banks are earning record profits, too many families in Ohio, Indiana, Oklahoma, and across the country are still struggling. Some politicians have used the recession and the budget crisis it created as grounds for attacking worker's rights. We have seen vicious attacks on workers' rights across the country. We have seen it in North Carolina. We saw it last year in Indiana and Michigan. We have seen it over the last 3 years in Ohio.

Ohio passed one of the worst attacks on collective bargaining rights in Ohio's history, trying to convince people that public employees caused the financial crisis, not Wall Street. Workers fought back and shattered a record for signatures needed to establish a ballot initiative and energized 2 million voters who came out to overturn that wrong-headed law.

Today, because the unity of not just labor union members but the huge majority of voters in Ohio, police officers, firefighters, sanitation workers, teachers, and other public sector workers continue to have the right to bargain and work with management through collective bargaining to ensure safety and fairness on the job.

In Akron, OH, UAW workers at Meggitt do high-quality and efficient work which allows them to be competitive with workers in Mexico and has prevented operations from being outsourced and helped to attract new investment in Ohio.

In Toledo, Youngstown, Cleveland, and beyond, union autoworkers helped bring back the American auto industry. They are building the cars of the future that people want to drive. I met with business owners across Ohio over this August and the month before and the month before and the month before