

their outstanding service. On another day I will say what a great job they have done.

Senator CARDIN and I take our responsibilities for recommending to the President the people of the highest caliber to serve as judges. We believe very strongly in the concept of an independent judiciary, people who will bring to the bench absolute integrity, judicial competence and temperament, a commitment to the core constitutional principles that have made our country great, and also through a history of civic engagement in Maryland—because a judge is not how many Law Review articles they write but can they administer equal justice and continue to honor equal protection under the law. Mr. Chuang and Mr. Hazel meet and exceed these standards.

Mr. Hazel comes with an incredible background. He served as an assistant U.S. attorney to the district court of Maryland. He has been the southern division coordinator on tough issues such as Project Exile, a Federal-State partnership addressing gun and violent crimes in Prince George's County and surrounding areas. He spent 5 years in private practice at Weil, Gotshal & Manges. He is also a man of faith, involved deeply in his church, Metropolitan Baptist Church, where he serves as a deacon.

Most recently, he has worked with the Baltimore State's attorneys office. The Baltimore State's attorney's office faced a lot of challenges. It faced dated technology and difficulties in maintaining chain of custody on evidence. He came in to work with our new State's attorney, which is an elected position, and he is a real reformer. So whether you were a prosecutor or you were a defendant, you knew it was going to be one of the best well-organized offices in Maryland.

Hazel brought that kind of know-how to make sure the apparatus of government worked because that was all part of making sure people got equal justice: Did we have the right guy when we were a prosecutor? Did we have the right evidence? Did the prosecutor have the right tools? Did the public defender or their private counsel have the opportunity to provide the defense of them? We have been able to do that. Also, working in his church he has shown he has been available to provide all kinds of pro bono services.

He is a graduate of a distinguished law school and he is a Morehouse man. I think when he takes the Federal bench and takes that oath, we are going to be proud of the service he does.

Then there is Mr. Chuang, the one who has been under dispute today. Gosh, I wish the whole Senate could meet him as well as Mr. Hazel. This is a new generation coming into the Maryland Federal judiciary. Mr. Chuang's parents and his own story is that of the American dream.

Mr. Chuang's parents came with practically nothing from Taiwan seek-

ing the American dream and a better life for their family. He worked very hard and then went on to some of our most distinguished schools. He went to Harvard Law School and Harvard University. He was a summa cum laude undergraduate and named by Time magazine as one of the high achievers. At Harvard, he was with the Law Review. But as I said, it is not how many Law Review articles one writes; it is, do they right wrongs in our society.

Yes, he has served at the U.S. Department of Homeland Security; yes, he has worked in government positions; yes, he has worked in private practice at Wilmer Cutler; yes, he has been at the Department of Justice; and, yes, he did provide legal counsel to the State Department. I am going to talk about that.

First of all, I am kind of tired of this Benghazi witch hunt stuff, but I am not going to go into that. I respect my colleagues on the other side of the aisle. Congress has a right to oversight.

But let me make the record clear: Mr. Chuang's role during his temporary assignment was as legal counsel providing legal advice and representation to his client. His client was the State Department. Although he provided legal advice related to the House Committee on Oversight & Government Reform, he did not have decisionmaking authority over whether to provide subpoenaed documents to the committee. That was at higher levels. If the committee had a beef with the State Department, they should have taken it up with the Secretary of the State, which I know they did.

During his 6-month detail, the State Department produced a vast majority of documents and witnesses requested by the HOCR.

In the case of the subpoena in question—which was for internal files of the independent Accountability Review Board that conducted the Benghazi investigation—the State Department agreed to produce most of the documents but has to date declined to produce memoranda of interviews of State Department personnel because disclosure of those witness statements may chill cooperation in future ARBs. Although State offered to discuss alternative means of serving the committee's request, the House Committee on Oversight & Government Reform has not actively engaged the State Department on this since the fall of 2013.

Opposition to Mr. Chuang's nomination will have no impact on whether the State Department produces the documents, and he is not a State Department employee.

So I respect my colleagues for wanting to have cooperation. I don't dispute whether they have a legitimate grievance. I leave that in that field and domain, but I would say Mr. Chuang's role was that of a civil servant, providing advice to the leadership of the State Department on this matter. Then the State Department's job, at its highest level, was to negotiate with the

House Committee on Oversight & Government Reform, chaired by Mr. Issa and the ranking member, our very good colleague Congressman CUMMINGS of Baltimore.

So if we are going to vote against Chuang because the Secretary of State did or did not do something, I think we have other problems.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I ask for 1 additional minute to summarize.

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

Ms. MIKULSKI. If we continue to attack people because of the job they did for which they had no decision about, we are going to have a chilling effect on who comes into government.

If these two men whom I am recommending and whom the President has nominated were in private practice, they could be making hundreds of thousands of dollars. Because these two men are duty-driven, with outstanding educations, backgrounds, and experience, they have chosen public service. I hope the Senate chooses them to serve on the Federal bench. This body is going to be very proud of them the way Senator CARDIN and I are in bringing them to the floor's attention. I urge that we invoke cloture.

I yield the floor and ask that we follow regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

CLOTURE MOTION

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 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 Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, 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 R. Carper, John D. Rockefeller IV, Jeff Merkley, Richard J. Durbin, Benjamin L. Cardin.

Mr. LEAHY. Mr. President, today, we are again voting to overcome Republican filibusters of three highly qualified judicial nominees. Republicans

continue to refuse to consent to vote on much needed judges to our Federal Judiciary. We currently stand at 80 vacancies and have not had fewer than 60 vacancies since February 2009, at the beginning of President Obama's first term. For most of President Obama's tenure in office, judicial vacancies have continued to hover around 80 and 90 because of Senate Republican obstruction. Nevertheless, Senate Republicans continue to object to votes on these nominations. This includes the three nominations that we are voting on today.

Nancy Moritz has been nominated to serve on the U.S. Court of Appeals for the Tenth Circuit. Justice Moritz is currently a justice on the Kansas Supreme Court, where she has been serving since 2011. Prior to joining the Kansas Supreme Court, she was an appellate judge on the Kansas Court of Appeals from 2004 to 2011. Before becoming a judge, Justice Moritz spent nearly ten years as an assistant U.S. attorney in the Kansas City and Topeka offices. From 1989 till 1995, she was an associate at Spencer, Fane Britt & Browne, LLP in Kansas City and Overland Park. From 1987 to 1989, she served as a law clerk to the Honorable Patrick F. Kelly, U.S. District Court for the District of Kansas. Justice Moritz has the support of her Republican home state senators, Senator ROBERTS and Senator MORAN. She was also reported from the Judiciary Committee unanimously by voice vote on January 16, 2014.

Theodore Chuang has been nominated to serve on the U.S. District Court for the District of Maryland. Since 2009, Mr. Chuang has served in the Office of General Counsel at the Department of Homeland Security. He currently serves as deputy general counsel and as counsel on detail to the U.S. Department of State. Previously, Mr. Chuang served as the chief investigative counsel for the House Committee on Energy and Commerce and the deputy chief investigative counsel for the House Committee on Oversight and Government Reforms from 2007 to 2009. From 2004 to 2007, Mr. Chuang worked in private practice as a counsel at the law firm Wilmer Cutler Pickering Hale and Dorr LLP. Prior to that, Mr. Chuang served as an assistant U.S. attorney, Criminal Division, for the District of Massachusetts from 1998 to 2004 and as a trial attorney in the Housing and Civil Enforcement Section of the Justice Department from 1995 to 1998. Upon graduating from Harvard Law School, magna cum laude, Mr. Chuang served as a law clerk to Judge Dorothy W. Nelson on the Ninth Circuit U.S. Court of Appeals from 1994 to 1995.

Mr. Chuang has the support of his home State Senators, Senator MIKULSKI and Senator CARDIN. He was voted out of the Judiciary Committee on a 10-8 vote on January 16, 2014. During the committee vote, the ranking member urged others to vote "No" based on

the fact that Mr. Chuang has been serving on temporary detail to the State Department and has been working with the agency to assist in its response to the ongoing congressional investigation into Benghazi. The ranking member argued that because the administration has refused to turn over interview notes and summaries that he would vote "No" on Mr. Chuang's nomination. This appears to be a case where Mr. Chuang is being held responsible for the decisions of the administration not to turn over the documents when it was not his decision to make. Moreover, Mr. Chuang has responded to the ranking member's Question for the RECORD on this issue fully and forthrightly, and nothing in those responses indicates that Mr. Chuang has conducted himself improperly in any way. Mr. Chuang is a superbly qualified attorney with an impeccable background, and should be supported by the entire Senate.

George Hazel has been nominated to the U.S. District Court for the District of Maryland. Since 2010, he has served as the chief deputy State's attorney for the office of the Maryland State's attorney for Baltimore City. Prior to taking this position, he was an assistant U.S. attorney for the district of Maryland from 2008 to 2010 and for the District of Columbia from 2005 to 2008. From 1999 to 2004, Mr. Hazel also served in private practice at the law firm Weil, Gotshal and Manges, LLP. An experienced trial counsel, Mr. Hazel has tried approximately 50 cases to verdict. Mr. Hazel also has the support of his home State senators, Senator MIKULSKI and Senator CARDIN. He was reported from the Judiciary Committee unanimously by voice vote on January 16, 2014.

All three of these nominees have the experience, judgment, and legal acumen to be terrific judges in our Federal courts. Let us end these unnecessary filibusters. I thank the majority leader for filing cloture petitions and I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

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 Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland, 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 West Virginia (Mr. ROCKEFELLER) and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—54

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

NAYS—43

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

NOT VOTING—3

| | | |
|---------|-------------|--------|
| Boozman | Rockefeller | Tester |
|---------|-------------|--------|

THE PRESIDING OFFICER. On this vote the yeas are 54, the nays are 43. The motion is agreed to.

NOMINATION OF THEODORE DAVID CHUANG TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Theodore David Chuang, of Maryland, to be United States District Judge for the District of Maryland.

Ms. MIKULSKI. Mr. President, has the clerk reported the nomination?

The PRESIDING OFFICER. The nomination has been reported.

Ms. MIKULSKI. Mr. President, I yield back all time.

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

CLOTURE MOTION

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 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 George Jarrod Hazel, of Maryland, to be