

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

## 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 Christopher Smith, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

Harry Reid, Mary Landrieu, Richard J. Durbin, Al Franken, Mark L. Pryor, Benjamin L. Cardin, Sheldon Whitehouse, Christopher Murphy, Tim Kaine, Charles E. Schumer, Michael F. Bennet, Ron Wyden, Patty Murray, Debbie Stabenow, Carl Levin, Barbara Boxer, Tom Udall.

Mr. REID. I now move to proceed to legislative session.

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

Mr. RISCH. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 350 Ex.]

## YEAS—53

Baldwin	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	Tester
Casey	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Donnelly	McCaskill	Walsh
Durbin	Menendez	Warner
Franken	Merkley	Warren
Gillibrand	Mikulski	Whitehouse
Hagan	Murphy	Wyden
Harkin	Murray	

## NAYS—42

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

## NOT VOTING—5

Chambliss	Feinstein	Stabenow
Coburn	Inhofe	

The motion was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

Mr. REID. I move to proceed to executive session to consider Calendar No. 1041, the nomination of Stephen Bough of Missouri.

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

Mr. TOOMEY. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

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

[Rollcall Vote No. 351 Leg.]

## YEAS—54

Baldwin	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
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Franken	Merkley	Warner
Gillibrand	Mikulski	Warren
Hagan	Murphy	Whitehouse
Harkin	Murray	Wyden

## NAYS—42

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

## NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The motion was agreed to.

## EXECUTIVE SESSION

NOMINATION OF STEPHEN R. BOUGH TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Stephen R. Bough, of Missouri, to be United States District Judge for the Western District of Missouri.

## CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

## 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 Stephen R. Bough, of Missouri, to be United States District Judge for the Western District of Missouri.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

Mr. REID. Madam President, I ask unanimous consent that Senator Grassley be recognized for 5 minutes for debate only.

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

The senior Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to correct the Record on the claim that we typically confirm judges during a lameduck session. However, we do confirm judges during a lameduck if those judges were reported to the floor before the election. What we typically don't do is report judges out of committee during a lameduck and then also confirm them that same year, and that is what the majority is attempting to do here, and, of course, I object.

We need to follow precedent on these nominees. I will use 12 years as an example to illustrate what really happened.

In 2002, 20 judges were confirmed during the lameduck, but 18 of those judges had been reported out of committee before the midterm election. Only two of those judges were reported during the lameduck, and that was because these two judges waited for more than a year for a hearing.

In 2004, four judges were confirmed during the lameduck session, but none were reported out during that lameduck session.

In 2006, one judge was confirmed, but again, that judge was not reported out of committee during the lameduck session.

In 2008, there were no confirmations in the lameduck session.

In 2010, again, no judges were confirmed, but that year 15 judges were reported out of committee during the lameduck and every one of those 15 judges was returned to the White House.

Finally, in 2012, no judges were confirmed. That year, again, five judges

were reported out of committee during the lameduck, but all five were returned to the White House. That is the raw data.

The data confirms that since 2002, with only two exceptions for special circumstances, no judges have been reported out and confirmed during the lameduck session. The reason is simple. It gives our newly elected Senators the opportunity to have their voices heard, and that is what this is all about. That is the reason the judicial nominees, which are lifetime appointments, are typically returned to the President if they come out of committee during a lameduck session. It gives the new Members an opportunity to have their voices heard.

I am raising this objection today, although I know we are going to proceed, to protect the prerogatives of newly elected Members. Frankly, I am disappointed that the Members are not willing to stand up and protect those rights and prerogatives. I believe I have a pretty good reputation for working across the aisle on a lot of issues, and I expect that somebody would realize that next year these people would get a fair hearing just as they did before they were reported out of committee.

I yield the floor.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

NOMINATION OF JORGE LUIS ALONSO TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 1070.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Jorge Luis Alonso, of Illinois, to be United States District Judge for the Northern District of Illinois.

#### CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk, and I ask that it be reported.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

#### 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 Jorge Luis Alonso, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

NOMINATION OF HAYWOOD STIRLING GILLIAM, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

Mr. REID. I now move to proceed to executive session to consider Calendar No. 1071.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Haywood Stirling Gilliam, Jr., of California, to be United States District Judge for the Northern District of California.

#### CLOTURE MOTION

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

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

#### 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 Haywood Stirling Gilliam, Jr., of California, to be United States District Judge for the Northern District of California.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

NOMINATION OF AMIT PRIYAVADAN MEHTA TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 1072.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Amit Priyavadan Mehta, of the District of Columbia, to be United States District Judge for the District of Columbia.

#### CLOTURE MOTION

Mr. REID. I ask that the cloture motion, which is at the desk, be reported.

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

#### 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 Amit Priyavadan Mehta, of the District of Columbia, to be United States District Judge for the District of Columbia.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

#### LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

NOMINATION OF ALLISON DALE BURROUGHS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

Mr. REID. I now move to proceed to executive session to consider Calendar No. 1073.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Allison Dale Burroughs, of Massachusetts, to be United States District Judge for the District of Massachusetts.

#### CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk.