

background and qualifications. I have heard the criticisms of the Republican Senators on the Judiciary Committee as they have voted against this handful of nominees. I disagree, and believe the Senate would vote, as I have, to confirm them. Each of these nominees have been reported favorably by the Judiciary Committee, several of them two or three times, and each deserves an up-or-down vote. That they will not be conservative activist judges should not disqualify them from consideration by the Senate or serving on the bench.

All 38 of these judicial nominations should have an up-or-down vote, just as all 100 of President Bush's judicial nominations reported by the committee in his first 2 years had a vote in the Senate. Even if Republican Senators will not follow our example and treat President Obama's nominees as we treated President Bush's, even if they will not abide by the Golden Rule, they should at least listen to their own statements from just a few years ago. They said that every judicial nomination reported by the Senate Judiciary Committee was entitled to an up-or-down vote. They spoke then about the constitutional duty of the Senate to consider every judicial nomination. The Constitution has not changed; it has not been amended. The change from the days in which they made those statements is that the American people elected a new President and he is making the nominations. In fact, President Obama has reached out and worked with Senators from both sides of the aisle. We have not sought to proceed on one of his judicial nominees without the support of both home State Senators.

Time is running out in this Congress to turn away from the disastrous strategy of blocking nominations across the board. It is time to return to the Senate's longstanding traditions and reject this obstruction. The Federal courts and the American people who depend on the courts for justice are suffering.

Today, December 15, is the anniversary of the ratification of the Bill of Rights, the first 10 amendments to the Constitution of the United States. Let us renew our commitment to the Constitution, to our Bill of Rights, and to our liberty by turning away from the destructive partisanship that has delayed Senate consideration of these nominations. Let us act in the spirit of the Founders, in the spirit of the season, and move forward together to consider and vote on these important nominations of a Deputy Attorney General and U.S. judges.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I referred.

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

[From the Washington Post, Dec. 15, 2010]

AN UNACCEPTABLE DELAY

James M. Cole appeared well on his way in July to filling the important No. 2 slot at the Justice Department after earning a fa-

vorable vote from the Senate Judiciary Committee.

But the full Senate has yet to vote on Mr. Cole's nomination to what is essentially the post of chief operating officer of the mammoth department. The five months between committee and floor vote appear to be the longest delay endured by any deputy attorney general nominee.

The slow crawl comes courtesy of some Senate Republicans who question Mr. Cole's approach to terrorism cases and his role as an independent monitor for struggling financial giant American International Group (AIG). These concerns should not derail Mr. Cole's confirmation—and they certainly should not be used to block a vote.

Mr. Cole, who is in private practice and spent some 13 years in the Justice Department, criticized the Bush administration in a 2002 opinion piece in *Legal Times* for some of its post-Sept. 11, 2001, tactics, including the use of "military tribunals to try noncitizens for terrorist crimes." Sen. Jeff Sessions (R-Ala.), ranking member on the Senate Judiciary Committee, condemned Mr. Cole for labeling the attack a crime rather than an act of war; he also questioned the wisdom of embracing "a law enforcement approach."

"You capture enemies. You arrest criminals," Mr. Sessions said during the confirmation hearings. Mr. Cole said he believes that recently reconstituted military commissions are a legitimate option, but he rightly refused to rule out federal court prosecutions for some suspects—an approach that mirrors that of the president and the attorney general.

Some Republicans also are troubled by Mr. Cole's work, starting in 2006, as a special monitor for AIG. Mr. Cole made several suggestions about needed improvements in AIG's business practices, but he appears not to have addressed the risky and unregulated credit default swaps that led to AIG's collapse and subsequent government bailout because they were not part of his portfolio.

The president deserves enormous deference in executive branch appointments. There is no suggestion that Mr. Cole suffers from the kind of ethical or legal problems that would disqualify a nominee. If Republicans nevertheless find Mr. Cole unacceptable, they should have the decency to hold a floor vote and give him a thumbs down.

[From the New York Times, Dec. 14, 2010]

ADVISE AND OBSTRUCT

The Senate's power to advise and consent on federal judicial nominations was intended as a check against sorely deficient presidential choices. It is not a license to exercise partisan influence over these vital jobs by blocking confirmation of entire slates of well-qualified nominees offered by a president of the opposite party.

Nevertheless, at a time when an uncommonly high number of judicial vacancies is threatening the sound functioning of the nation's courts, Senate Republicans are persisting in playing an obstructionist game. (These, by the way, are the same Senate Republicans who threatened to ban filibusters if they did not get an up-or-down vote on every one of President George W. Bush's nominees, including some highly problematic ones.)

Because of Republican delaying tactics, qualified Obama nominees who have been reported out of the Judiciary Committee have been consigned to spend needless weeks and months in limbo, waiting for a vote from the full Senate.

Senate Republicans seek to pin blame for the abysmal pace of filling judicial vacancies on President Obama's slowness in making nominations. And, no question, Mr. Obama's

laggard performance in this sphere is a contributing factor. Currently, there are 50 circuit and district court vacancies for which Obama has made no nomination. But that hardly explains away the Republicans' pattern of delay over the past two years on existing nominees, or the fact that Senate Republicans have consented to a vote on only a single judicial nomination since Congress returned from its August recess.

At this point, the Senate has approved 41—barely half—of President Obama's federal and district court nominees reported by the Judiciary Committee. Compare that with the first two years of the George W. Bush administration when the Senate approved all 100 of the judicial nominations approved by the committee. The final days of the lame-duck session are a chance to significantly improve on this dismal record and to lift the judicial confirmation process out of the partisan muck.

Of the 38 well-qualified judicial nominees awaiting action by the full Senate, nearly all cleared the Judiciary Committee either unanimously or with just one or two dissenting votes. Some nominees have been waiting for Senate action for nearly a year. Senator Mitch McConnell, the minority leader, should allow confirmation of all 34 nominees considered noncontroversial, including the 15 nominees cleared by the committee since the November election.

There are four other nominees who were approved by the committee over party-line Republican opposition. They, too, deserve a prompt vote rather than requiring President Obama to start the process over again by re-nominating them when the next Congress begins. That short list of controversial nominees includes Goodwin Liu, an exceptionally well-qualified law professor and legal scholar who would be the only Asian-American serving as an active judge on the United States Court of Appeals for the Ninth Circuit. His potential to fill a future Supreme Court vacancy seems to be the main thing fueling Republican opposition to his nomination.

Mr. McConnell is said to be negotiating a deal with Senator Harry Reid, the majority leader, that allows for confirmation of 19 nominees approved by the committee before the election but denies consideration by the full Senate to the others. That would be a disservice to the judicial system, to Mr. Obama's nominees and to the idea that bipartisanism should exist, at last, in the advice-and-consent process for federal judges.

NATIONAL HOME CARE AND HOSPICE MONTH

Ms. COLLINS. Mr. President, November is National Home Care and Hospice Month, which gives us the opportunity to honor the home health and hospice caregivers and volunteers who make such a remarkable difference in the lives of their patients and their families. The highly skilled and compassionate care that home health and hospice agencies provide has helped to keep families together and enabled millions of our most frail and vulnerable individuals to avoid hospitals and nursing homes and stay just where they want to be in the comfort and security of their own homes.

Home health and hospice have consistently proven to be compassionate and cost-effective alternatives to institutional care. In fact, a recent survey conducted for the Maine chapter of

AARP found that 9 out of 10 Mainers would prefer to receive services at home as opposed to a nursing home or other residential care facility. Moreover, by helping patients to avoid more costly hospitals and nursing homes, home health and hospice save Medicare, Medicaid, and private insurers millions of dollars each year.

Over the past several years, I have had the opportunity to meet and visit with a number of home health and hospice patients and providers around my State. I have seen firsthand what a difference the highly skilled and compassionate care that these health professionals provide makes to the lives of their patients and families. That is why I am such a committed and passionate advocate for home health and hospice care. I therefore urge all of my colleagues to join me in paying tribute to these wonderful health care professionals and volunteers during the month of November as we celebrate National Home Health and Hospice Month.

TRIBUTE TO MELISSA SHUTE

Mr. SESSIONS. Mr. President, I rise today to bid farewell to a trusted member of my staff who will be departing the Senate. Melissa Shute has served as my legislative counsel, handling issues involving energy, natural resources, and public lands. I have been fortunate to have a wonderful tradition of outstanding staffers to handle my energy and environmental issues; however, the problem with good staff is that they often get pulled away.

Melissa is no exception. She came to me in 2008 after serving as lead counsel to one of our former Members whom I highly regard, Senator Pete Dominici, on the Senate Committee on Energy and Natural Resources. While on the committee, Melissa was a key player on legislation to increase domestic energy production in the United States. Melissa has developed an expertise in energy and environmental issues and the importance they play in our economy. She is an enthusiastic warrior for the principles we share.

Melissa has provided critical counsel to me regarding major issues in nuclear, coal, and renewable fuel research and development. She also took a leading role in helping Alabamians living on the gulf coast during the tragic oil spill. Melissa and my energy team went above and beyond to take the steps necessary to help those impacted by the environmental disaster receive the support and information they need to begin the road of clean-up and recovery.

A graduate of the University of Tulsa's College of Law, Melissa has demonstrated a sound legal mind in analyzing legislative proposals that would impact current moratoria on off-shore drilling. She understands that we need to decrease our dependence on foreign oil and find new ways to tap the rich energy supplies our country has to offer.

She has been a great partner as we have worked to reduce the huge wealth transfer from the United States to purchase foreign oil, to reduce pollution, to produce energy at the lowest possible prices, such as nuclear power, and to create jobs in America. It has been a good run.

Mr. President, I express my deepest gratitude to Melissa for all of her efforts and leadership, and I wish her well as she moves on to a new chapter in her life.

TRIBUTE TO STEPHEN BOYD

Mr. SESSIONS. Mr. President, I rise today to say goodbye to one of the most esteemed members of my staff. Stephen Boyd, an exceptional individual with a deep devotion to the State of Alabama, will be leaving my office to become chief of staff for a new member of the Alabama delegation, Congressman-elect Martha Roby.

Stephen came to my office 7 years ago right out of law school. I was immediately impressed not only by his talent but by his tenacity. No matter how difficult the task given him he would pursue it with vigor, and he would not relent until he arrived at a solution. Stephen sees every obstacle as a challenge to overcome.

In his first post as my legislative assistant for energy issues, he worked on efforts to establish the Coastal Impact Assistance Program. That program became law through the Energy Policy Act of 2005. Stephen also played a significant role in developing the Gulf of Mexico Energy Security Act, which President George W. Bush signed into law in 2006.

Early on, Stephen also recognized the need to pursue alternative energy sources in order to diminish our dependence on foreign oil. Through his efforts he brought considerable attention to switchgrass as a renewable energy resource, ultimately leading to switchgrass' potential being recognized in President Bush's 2006 State of the Union Address.

One of Stephen's most valuable assets is his ability to anticipate problems and to prepare for the unpredictable. Stephen was the point person for our office response when Hurricane Katrina hit in 2005. But before that disastrous hurricane hit, Stephen had already implemented an office action plan to make sure we could quickly and efficiently respond to an emergency.

In the last 4 years, Stephen has served first as my press secretary, followed by a swift promotion to communications director. He played a key role in overseeing office communications during some of the most difficult and challenging issues our country has faced in a long time—from wars in Afghanistan and Iraq, to the recent economic crisis, to the disastrous oil spill in the Gulf of Mexico.

Stephen also made an invaluable contribution in two Supreme Court con-

firmations, helping deliver a crucial message about preserving the integrity of America's courts—defending them from the corruption of politics and grounding them in the firm bedrock of our Constitution.

Given his myriad accomplishments and his stellar service to this office, it is no surprise that Stephen is highly regarded by his colleagues in the Senate. Allow me to share what others have said:

Don Stewart, communications director for Senate minority leader MITCH MCCONNELL, said, "Stephen has shown the kind of calm leadership that was needed in one of the most active periods I've ever seen in my time here. He doesn't yell and scream, he just gets it done."

Josh Holmes, staff director for Senate minority leader MITCH MCCONNELL's Republican Communications Center, said, "Stephen is one of the rare commodities in Washington who prefers achieving results over personal accolades. He's a consummate professional and effective advocate who has been an absolute pleasure to work with."

Rick Dearborn, my chief of staff, said, "I am proud to have worked alongside Stephen Boyd. I have always admired his attention to detail and the great clarity of his perspective. He has a commonsense approach I've witnessed him apply to all manner of complex problems to be solved, issues to be decided or given further thought."

So much of what I believe has guided him to excel has been his basic honesty, his strong core integrity and a sincere commitment to serve the people of Alabama on behalf of Senator SESSIONS through his various roles in our office.

Our loss in the Senate is Martha Roby's gain in the House and the second District of Alabama. He now assumes a key position within our staff delegation, as the Congresswoman's new chief of staff. She could not have made a better choice."

Matt Miner, staff director for the Senate Judiciary Committee, said, "Stephen Boyd has been a tremendous asset to the Judiciary Committee during Senator SESSIONS' tenure as ranking member. Through two Supreme Court confirmations and numerous national security debates, Stephen's calm and thoughtful work as communications director helped focus the national debate and convey the Republican message. He is one of the most talented people with whom I have worked on Capitol Hill, and I wish him all the best in his next endeavor."

Brian Benczkowski, former staff director for the Senate Judiciary Committee said, "It was a professional and personal pleasure to work with someone as gifted and hard-working as Stephen Boyd. Stephen has an uncanny ability to analyze any given subject like a top-notch lawyer, while also applying a good dose of Alabama common