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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who put into our hearts such deep desires that we can't be at peace until we rest in You, satisfy the longings of our souls with Your merciful presence.

Lord, open the minds of our lawmakers to the counsels of Your eternal wisdom, breathing into their hearts Your peace which passes understanding. Increase their hunger for justice in our Nation and world, as they find grace to seek first Your kingdom. May their moments and days ever flow in ceaseless praise.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, Republicans the second half. Following morning business, the Senate will resume consideration of S. 1813, which is the surface transportation bill. The filing deadline for second-degree amendments is today at 11:30. At noon there will be a cloture vote on the substitute amendment. The Senate will recess from 12:30 to 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 there will be two votes on the confirmation of the Phillips and Rice nominations to be judges.

Will the Chair announce the business today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington.

RICE NOMINATION

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to vote in support of Thomas Rice. He has been nominated to serve as the next Federal judge for the Eastern District of my home State of Washington.

Mr. Rice is a distinguished attorney who has dedicated his professional career to serving the public in the U.S. Attorney's Office. In that time he has earned the respect of Federal judges, opposing defense attorneys, his fellow prosecutors, and local law enforcement officials.

Mr. Rice has a deep connection to eastern Washington and its legal community. He graduated from Gonzaga University with a degree in accounting, and then he returned on a full scholarship to earn his law degree. After earning that degree, Mr. Rice moved directly into public service as a trial attorney with the Department of Justice in Washington, DC. He then returned to the Eastern District to work in the U.S. Attorney's Office, climbing the ranks to become the first U.S. attorney responsible for the management of the Spokane office, and he is currently the highest ranking career DOJ official in the Eastern District.

Over his 20 years of practice, Mr. Rice has tried over 1,000 criminal cases dealing with nearly every area of Federal law. He has gone above and beyond his duties, volunteering additional hours at the office, taking on extra cases, and establishing the local Antiterrorism Advisory Council, which brings together representatives from every law enforcement agency in the Eastern District.

As the assistant U.S. attorney, he has earned the reputation of being tough on crime but also levelheaded and fair in the conduct of his prosecutions. Mr. Rice clearly meets the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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standards of fairness, evenhandedness, and adherence to the law we expect of our Federal judges.

I know I speak on behalf of so many in the Washington State legal community in supporting his nomination today. Mr. Rice's nomination was the product of a bipartisan selection commission we use in the State of Washington, and he received strong endorsements from both sides of the aisle.

We continue to use our bipartisan selection process in Washington State, despite the fact that it does take more time and a lot of effort, because it works to select judges of the highest quality and because it is intended to remove partisanship in the selection of our judges. You would think someone such as Thomas Rice would be able to move through this process very quickly and get to work on the court. Unfortunately, some of our colleagues on the other side of the aisle have slowed down and delayed this vote. Mr. Rice's nomination was actually reported unanimously out of the Judiciary Committee in October of last year, with strong bipartisan support—almost 4 months ago. But his nomination has sat on the Executive Calendar because some Senate Republicans refuse to consent to debate and vote on nominations just like his. I have not heard any objections from Republicans about Mr. Rice's qualifications, nor have I heard any Republican claim they have been unfairly blocked from any process. This delay is the result of an unprecedented effort by Senate Republicans to delay and block all of President Obama's judicial nominees.

There are now 20 judicial nominations reported favorably by the Judiciary Committee that are still sitting in wait on a final Senate vote. Fourteen of those nominations have been pending since last year and should have been confirmed before the end of last year. Eighteen of those nominations received strong bipartisan support from the Judiciary Committee. They deserve to move through this process in a fair way and get a vote here on the floor of the Senate—especially when both sides have agreed they are going to pass—because even though Republicans are making this about politics here in DC, this does have a real impact on our families and the court system throughout America. Nearly 10 percent of the Federal judgeships remain vacant right now, and 130 million Americans live in districts or circuits that have a vacancy that could be filled today if the Republican obstruction would end on nominations that have been vetted, considered, and favorably reported by the Judiciary Committee, including families in the Eastern District of my home State. This kind of obstruction is not good for our country. It hurts families' ability to access the courts in a timely fashion, and it puts politics ahead of our judicial system.

I urge all of our colleagues today to vote in support of Thomas Rice. He is

a great lawyer, and he is a community leader who I believe will make an exceptional Federal judge.

I really come today to also call on Republicans to end their obstruction and allow us to move forward quickly on debates and votes on these judicial nominations that have been backlogged for far too long.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC TRUST

Mr. DURBIN. Mr. President, we live in a time when public trust in all of our government institutions is at an alltime low and unfortunately continues to deteriorate. Recent polls indicate public confidence in Congress is at 11 percent, which is a record-low approval rating.

Americans have been skeptical of politicians in general and Congress in particular from the beginning of this Republic. It is a healthy skepticism which reflects the freedoms that are part of our democracy and the right of people to disagree with leadership with impunity under our Constitution, with some limitations. So I take it in historical context but still cannot escape the reality that the numbers today are lower than ever.

The legislative branch is not the only branch of government the public holds in low regard. Polls also indicate that the U.S. Supreme Court has recently received its second lowest approval rating in history.

One way those of us who serve in government can increase public trust and confidence is to be more transparent about how we operate and the standards to which we are held. The recent passage of the STOCK Act in the Senate is an indication of a continuing effort to alert the public to what we do as Members of Congress which bears scrutiny.

I make a disclosure each year, which goes beyond the requirements of the law, and many others do as well. The STOCK Act will bring many Members of Congress to an even higher level of disclosure—as they should be. One way we can increase our confidence in the institutions of government is to address those aspects which add to transparency and add to trust.

I think it is time for the Supreme Court to provide more transparency and accountability in two specific areas: First, the Supreme Court should allow live television cameras to broadcast open Court sessions so the general public can see firsthand how the Court operates and arrives at critical deci-

sions that literally change our lives. Second, the Supreme Court should formally adopt the Judicial Code of Conduct, which currently applies to all other Federal judges but for some inexplicable reason does not apply to Justices of the Supreme Court. The Court should also make public the other ethics rules it follows.

The Supreme Court decisions impact the lives of every American, but access to open sessions of the Court is incredibly limited. As a result, the Court's proceedings and the way it arrives at decisions are a mystery. Most Americans will never see the Supreme Court at work unless they are willing and able to travel to Washington, DC, and wait in line for hours or sometimes sleep outside overnight on the pavement in an effort to secure one of 250 seats in the Supreme Court courtroom.

In a democratic society that values transparency and openness, there is no valid justification for such a powerful element of our government to operate largely outside the view of American people.

I am pleased to have partnered with Senator CHUCK GRASSLEY, my Republican colleague from Iowa, on the Cameras in the Courtroom Act, S. 1945. He and I continue the work of our former colleague, Senator Specter, on this important issue. Our bill would require televising of all open sessions of the Court unless a majority of the Justices determine that doing so would violate due process rights of one or more of the parties before the Court. We give to the Court the last word on any given argument or case as to whether it will be public and televised.

In the coming weeks, the Supreme Court is going to consider the constitutionality of one of the most important pieces of legislation to be considered by Congress and signed by the President in decades—the affordable care act. During the yearlong congressional debate on health care reform, every hearing, floor debate, and vote was accessible to every American with a television set or a Webcast and a computer, at all times. The American people should have the same opportunity to watch the open session of the Supreme Court as it considers the constitutionality of health care reform legislation. On this point, there is bipartisan agreement. Despite our strong disagreements about the substance of the affordable care act, Democrats and Republicans from both Chambers have written to the Supreme Court, urging them to permit live video and audio broadcasts of the health care reform argument. The Court should allow live broadcasts of the health care reform hearing and all other open sessions of Court since each of the Court's decisions has the potential to have a transformative impact on the lives of so many Americans.

There are some who say we should not allow cameras in the Supreme Court because only bits and pieces of Court proceedings would be televised,