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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Almighty God, sovereign of our Nation and Lord of our lives, thank You for infusing us with the confidence that You order our steps each day. Give our lawmakers courage and a strong resolve to glorify Your Name as they trust the unfolding of Your loving providence. Lord, as they remember what You have already done to bless this Nation, inspire them to march confidently toward tomorrow's difficulties with a total dependence on You. May they recommit themselves each day to faithfully fulfilling the awesome responsibility You have entrusted to them.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. KAINE). The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business until 5 p.m. today. Following that morning business, the Senate will proceed to executive session to consider the Chen and Failla nominations to be U.S. district

judges, both in the State of New York. At 5:30 p.m. there will be two rollcall votes on confirmation of these nominations.

NOMINATIONS

Mr. REID. Mr. President, this week the Senate will consider a number of nominations.

Tonight we will vote, as I have just indicated, on Pamela Chen to be a judge for the Eastern District of New York and Katherine Failla to serve as district judge for the Southern District of New York.

Later this week we are going to consider the nomination of Caitlin Joan Halligan to the U.S. Court of Appeals for the DC Circuit. This circuit now has four vacancies. Ms. Halligan's colleagues say she has "a brilliant mind" and "an abiding respect for law." Those are direct quotes. But despite her outstanding credentials and strong support from across the political spectrum, Republicans filibustered her confirmation last Congress.

President Obama is the only President in the 65-year history of the DC Circuit Court not to have a single judge confirmed to that court during his first term. Remember, there are now four vacancies. Since she was nominated, two additional vacancies have opened on the DC Circuit. The court desperately needs more judges.

This week the Senate will consider the nomination of John Brennan to lead the Central Intelligence Agency. Mr. Brennan's nomination is expected to be reported out of the Intelligence Committee tomorrow.

Mr. Brennan served 25 years in the CIA in many extremely important delicate roles and 4 years on the White House national security staff, where he played an instrumental role in finding Osama bin Laden and decimating al Qaida. He is very qualified, he is a wonderful public servant, and he should be confirmed quickly.

This week will be a test of the Republicans' goodwill. My Republican colleagues say they respect the Senate's responsibility to advise and consent. My Republican colleagues say they don't plan to obstruct the confirmation process for the sake of obstruction, but they filibustered President Obama's nominee for Secretary of Defense—for the first time in the history of the country, being a former Republican Senator—delaying Senator Hagel's confirmation for at least 2 weeks.

Republicans say they will not filibuster, but their actions say otherwise. Republicans say they are just requiring 60-vote thresholds, but the difference between a filibuster and requiring a 60-vote threshold on nominations is a distinction with no difference. In a nation founded on the principle of justice for all, requiring a 60-vote threshold on nominations is unfair. It is unfair for all. It is extremely important that we adequately staff our Federal courts, and we have not done that.

At a time when America faces so many threats abroad, it is crucial we have a talented and dedicated individual such as John Brennan leading our Nation's most prominent intelligence agency. Yet Republicans again and again inject politics into the confirmation process, both when considering judicial nominees and, most recently, when considering Cabinet nominees.

There was once a time when Republicans were the ones defending the right of the President to choose the players on his team. Back then it was a Republican in the White House.

In 2001, the senior Senator from Utah touted the "longstanding tradition in the Senate . . . [to] afford the President a significant degree of deference to shape his Cabinet as he sees fit."

Four years later, after President Bush was reelected, the senior Senator from Arizona pointed out that elections have consequences and said, "The President has a right to put into place

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



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the team he believes will serve him best.”

As we consider key nominations this week and in the future, I hope my Republican colleagues honor the long-standing tradition of the Senate that they have identified and we agree with. I urge my Republican colleagues to consider that if the Senate fails to properly staff our national security agencies or the Nation's judicial system, our inaction will also have consequences.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, I thank the majority leader for what he said on these nominations. As he knows, we have an awful lot of them that have come out, and then every time he has tried to move them quickly on the Senate floor there has been opposition from the other side.

It has been frustrating when we actually had nominations that waited months, or will have a cloture vote, and then they will get 90 or 95 votes for confirmation.

Mr. REID. Mr. President, would my friend yield for a question?

Mr. LEAHY. Of course.

Mr. REID. I ask the chairman of the Judiciary Committee to explain to everyone within the sound of our voices how important the DC Circuit is to our country.

Mr. LEAHY. Mr. President, it would be hard to state it any better than the Senator from Nevada has. But so many of the issues we grapple with every single day on this floor—regulatory issues, issues that affect the various departments of government—when there are appeals of those issues, when there are questions of what the Departments do, they invariably go to the DC Circuit. They don't go to the U.S. Supreme Court.

The U.S. Supreme Court, as the distinguished Presiding Officer and the distinguished majority leader know, takes only a tiny percentage of cases that are appealed. But every one of these major legal issues that are appealed are heard by the DC Circuit, and it is frustrating to know there is a concerted effort on the other side to try to stop having a balance in the DC Circuit.

Every one of us as lawyers would hope we could come into a courtroom

and know that if we have a good case, we would win it; and if we have a bad case, we would lose but that the cards aren't stacked against us because we are a Republican or Democrat. Because of the makeup of the DC Circuit, more and more people are getting the view—rightly or wrongly—it is stacked. The efforts of the Republican Party to block anybody else from going down there except for people they have vetted increase that impression that the court is stacked. That doesn't help the system of justice in the United States. It actually doesn't help whether you are a Republican or a Democrat because it destroys the idea of the impartiality of the courts.

Mr. REID. Mr. President, I ask for permission to ask one more question of the senior Senator.

Mr. LEAHY. Of course.

Mr. REID. Legal scholars have said, and I have read, that they believe the DC Circuit is just a little bit below the Supreme Court; that it hears cases of such significance. That is why it was established some 65 years ago: to take care of cases the Supreme Court couldn't.

Is that true?

Mr. LEAHY. Mr. President, the Senator from Nevada is absolutely correct. I would even argue that in some areas it is more important than the Supreme Court because on so many of the issues that go there, they will have the final word. The Supreme Court could never hear all of the requests for appeals from the DC Circuit, and they become the final word.

So on the issues that involve average Americans based on what their government does, they will be decided in that circuit court, not in the Supreme Court. So it is extraordinarily important that we have a balanced court there.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTHCARE

Mr. BARRASSO. Mr. President, I rise today to talk about the policy changes and choices made in Washington and how they affect the spending and the well-being of so many people all around this great country. There has been a great deal of talk recently about how we can get our out-of-control Washington spending under control. How can we curb spending?

We also need to keep in mind some of the policies of the Obama administration and how they have impacted spending and how they have created economic conditions that have forced many of these hard choices to be made

by American families. I believe our weak economic recovery is a result of bad policy choices that have cost Americans their jobs, and it has cost them dollars—money—they cannot spare.

The list of the administration's bad policy choices is long and, in my opinion, right at the top of that list is the President's health care law. Last week, we learned from a GAO study requested by Senator SESSIONS that the President's health care law will add \$6.2 trillion to Washington's debt. Of course, that is debt on the back of every young person in America and on the back of future generations. It is a debt upon the entire Nation.

It is also adding to the financial burden in this country. Recently, the Obama administration has released more rules for how this health care law will be implemented. The new regulations that have just come out lay out something called “essential benefits.” These are the government-mandated items that health care policies will now have to offer.

Along with other parts of the health care law, these new rules will raise the premiums American families pay for their health coverage. That is not what the American people wanted, that is not what they were promised by the President, and that is not what they need during this difficult economic time.

Remember, President Obama promised that under his health care plan insurance premiums, he said, would go down \$2,500 for the average family by the end of his first term. That has come and gone, but what the President promised the American people has not happened. Instead, premiums have gone up by an average of more than \$3,000 family.

As more provisions of the law kick in, I can tell you it is going to get worse. As the Obama administration puts out more regulations, premiums are going to continue to go up and up. The American people are in for a serious case of premium sticker shock.

This is especially true for young people, people in their twenties, people in their thirties. That is not just my prediction. It is the warning we are getting from State officials who actually supported the President's health care law. Of course, they supported it before they knew what was in it.

The State insurance commissioner in Oregon has said the new regulations could push up premiums for young consumers by as much as 30 percent next year. According to a recent piece in the Los Angeles Times, that was not an accident. It was an intentional effect of trying to lower prices for older Americans by raising the prices for younger people. In fact, the cost-shifting was a top priority of the AARP during the debate.

Of course, I believe the administration was not honest about it. They did not come out and tell young people: Hey, you are going to have to pay a