

prestigious Criminal Appeals Unit in the Southern District of New York. She is one of those highly intelligent, analytical individuals who was probably born to be a lawyer, and once a lawyer, was almost destined to be a judge.

She has served as a prosecutor for 12 years. Her colleagues report to a person that her advice on legal arguments and matters of judgment is the most sought after in the whole office. This is the Southern District of New York. It is an amazing office.

She also came to her dedication to public service through a hard-working family. This is evident through her siblings as well, a school teacher's aide and a submarine commander.

I ask that my colleagues vote for both of them shortly.

HALLIGAN NOMINATION

I also wish to say a few words this evening about the President's longest standing nominee to any office, Caitlin Joan Halligan. The DC Circuit is currently one-third vacant; 4 of the 11 slots are without active judges. What some people call the second most important court in the country is firing only on two-thirds of its cylinders. Halligan is one of the President's nominees for two of these four slots. Her nomination has been pending for 23 months.

Since her name has been sent to the Senate, she has not had an up-or-down vote. She has never had an up-or-down vote despite the fact that her academic and professional credentials are superb: Princeton University, GW Law School, prestigious clerkships on the DC Circuit, including Patricia Wald, the first female member of the court, and then to Justice Steven Breyer.

She has never had an up-or-down vote despite the fact that she has spent most of her career in public service as a prosecutor, first with the Office of the New York Attorney General, now as assistant district attorney who serves as the general counsel for the Manhattan DA's office.

She has never had an up-or-down vote despite the fact that she would be only the sixth woman to serve on the court since its inception in 1801. Two years ago, when her nomination was filibustered, many of my colleagues cited the DC Circuit's relatively low caseload for the reason the Senate did not need to confirm another judge. But now, 2 years later, there are only seven judges hearing cases on the court. The caseload for judges has risen 21 percent since President Bush made his last nomination to the court in 2006.

My colleagues know how difficult and time-consuming these cases are. I have great respect for my friend and colleague and the person I exercise with in the gym every morning, JEFF SESSIONS. But to say this is an extraordinary circumstance based on the smidgen of evidence he has mentioned—please, please, please.

Let's hope there is not a concerted effort by the other side to keep this im-

portant DC circuit empty—unfilled. It is unfair and it is not right to this fine women and to the need to proceed with justice in these United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Pamela Ki Mai Chen, of New York, to be United States District Judge for the Eastern District of New York?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President shall be immediately notified of the Senate's action.

VOTE ON NOMINATION OF KATHERINE POLK FAILLA

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katherine Polk Failla, of New York, to be United States District Judge for the Southern District of New York?

Mr. WHITEHOUSE. Mr. President, 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 28 Ex.]

YEAS—91

Alexander	Cantwell	Cowan
Ayotte	Cardin	Crapo
Baldwin	Carper	Cruz
Barrasso	Casey	Donnelly
Baucus	Chambliss	Durbin
Bennet	Coburn	Enzi
Blumenthal	Cochran	Feinstein
Blunt	Collins	Fischer
Boozman	Coons	Flake
Boxer	Corker	Franken
Burr	Cornyn	Gillibrand

Graham	Leahy	Rubio
Grassley	Lee	Sanders
Hagan	Levin	Schatz
Harkin	Manchin	Schumer
Hatch	McCain	Scott
Heinrich	McCaskill	Sessions
Heitkamp	McConnell	Shaheen
Heller	Menendez	Shelby
Hirono	Merkley	Stabenow
Hoeven	Mikulski	Tester
Inhofe	Moran	Thune
Isakson	Murphy	Toomey
Johanns	Murray	Udall (NM)
Johnson (SD)	Nelson	Warner
Johnson (WI)	Portman	Warren
Kaine	Pryor	Whitehouse
King	Reed	Wicker
Kirk	Reid	Wyden
Klobuchar	Risch	
Landrieu	Roberts	

NOT VOTING—9

Begich	Lautenberg	Rockefeller
Brown	Murkowski	Udall (CO)
Coats	Paul	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each. And I ask unanimous consent that I speak for up to 20 minutes.

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

THE SEQUESTER

Mrs. BOXER. Mr. President, one of the virtues of traveling back home is to hear what the people are saying about us. And it isn't good. The people are on anxiety overload. The purpose of my remarks is not to increase anyone's anxiety but just to tell it the way it is.

How did we get to a place where we are having mindless, across-the-board cuts in spending with absolutely no thought? It came about because the Republicans refused to increase the debt ceiling. We were about to default on our obligations, after raising the debt ceiling many times—18 times under Ronald Reagan. And Ronald Reagan warned us in those times never to play games with the debt ceiling. Well, the Republicans did. They played games with the debt ceiling, and they did it because, if you follow what the Republican leader said, his highest priority was defeating President Obama. I am sure they thought that kind of chaos would lead the way. It didn't happen, clearly. Our President was reelected, and he was reelected with the big vote.

We got into this situation with the sequester because there were games

being played with the debt ceiling, and as a way to get out of it, we did something we thought would never come to pass.

We said: OK, give us this ability to raise the debt ceiling so we can pay our bills and not become a third-world nation and not lose our credit rating even more than we have already lost it, and then we will look at deficit reduction. If the supercommittee can't come up with a deal, we will have these across-the-board cuts.

No one thought they would happen, and they are happening. And now what we hear is, oh, it is really no big deal. Our Republican friends are saying it is OK.

Maybe people watching this in their homes may not be touched by the sequester, but let me tell you who will be touched by the sequester, and let me make the argument that when these people are touched by it, we are all touched by it. This is one Nation under God, and when we hurt our people, we get hurt.

Seventy thousand children will not get Head Start. Is that supposed to be good for the country? Ten thousand teacher jobs will be lost. Is that supposed to be good for the country? How about 7,200 special ed teachers, teaching every day kids who have such a hard time just getting dressed in the morning? Is that good for America?

I would argue that this list is terrible for our country. Maybe you don't have a kid in Head Start. I don't. Maybe you don't know a special ed teacher. The point is that we are one country, and we do best when we help our most vulnerable.

How about this: 424,000 HIV tests conducted by the Centers for Disease Control will no longer happen. Is that good for the country, to have HIV-infected people walking around not knowing they have HIV? How about 25,000 fewer breast and cervical cancer screenings? Maybe it is not your wife or your sister or your mom, but somebody's sister or somebody's daughter is not going to find out she has breast cancer. Tell me how that is good for this country.

I am not even talking about the cuts to defense, some of which I think we can do but many of which don't make sense. I am just looking at the cuts to the most vulnerable people. Four million fewer meals will be served to senior citizens. Does that make you proud, Republicans? I hope you are proud. Programs such as Meals on Wheels are going to be impacted, and 600,000 women and children won't get nutrition assistance. There will be 1,000 FBI agents and other law enforcement personnel laid off or furloughed, and 1,000 criminal cases won't be prosecuted. Is that good for America? Maybe your family wasn't the victim of a crime. Maybe it is not your relative who happens to be a law enforcement officer. But this is one Nation under God, with liberty and justice for all.

How does it make sense for these cuts to go into effect when all we have

to do to avert them is reform the Tax Code and take away those juicy little tax loopholes companies that ship their jobs overseas get? How about asking someone who earns \$2 million a year to pay the same effective tax rate as their secretary? What kind of a country is this? You would rather have these kinds of brutal cuts to the least among us than just have a fair Tax Code?

In the last 40 years only one party balanced the budget, and that party is the Democratic Party. Bill Clinton and the Democratic Congress—the only party that ever balanced the budget. So spare me the lectures from my friends on the other side of the aisle about how they are the ones who know how to do it. No, they don't, because when you make these mindless cuts and people are furloughed and they have less money to spend, they don't go to the corner store and take their family for lunch or dinner. They don't spend as they would normally spend, and it is a trickle-down effect on this economy. As a matter of fact, Mark Zandi, the respected, nonpartisan economist, said it is going to take a half a point off economic growth at a time when we are not growing that robustly.

Here is the point. When President Obama inherited the job—because we elected him to it—he faced the \$1.2 trillion deficit of George W. Bush, who had turned the Bill Clinton surplus into raging deficits, and the deficits are down now to \$850 billion. So don't say we are not making progress. A Democratic President is making progress on the deficit. But let's do the rest of this deficit cutting wisely, in a balanced way. We have cut \$1.7 trillion in spending and, yes, \$700 billion in revenue. We have raised taxes on those earning a lot of money. But there are a lot more cuts we have made than revenue increases we have made.

So I come to the floor to say this is a self-inflicted wound. And if I hear anyone say: It doesn't really affect me, let me tell you that is not true because when our kids are hurt, we are hurt. When our health care system is hurt and people are walking around with diseases, we are all hurt. When our senior citizens don't get the meals, we are all hurt. Otherwise, what is the point in having a country if it is everyone for themselves? That isn't the greatness of America.

So I was proud to vote to avert the sequester. We had a majority vote before we left here for the weekend, but my Republican friends filibustered that. We had over 50 votes to get rid of the sequester, and the Republicans filibustered. Enough already. I hope they will come to their senses so we can do this deficit reduction in a serious way that makes sense.

CLIMATE CHANGE

Mrs. BOXER. Now I wish to talk about climate change. It is one of the most serious threats facing our Nation. All you really have to do is look out

the window to see it is already happening.

I would like to talk about a great thing that happened recently. When USA TODAY, the Nation's largest newspaper in print form—more people read that paper than any other. They announced in a front-page story last Friday, on March 1, that they are going to spend a year looking at the issue of climate change.

This is the front page. They show that the temperatures are going up. They talk about more asthma. But let's look at what they say because I am appalled that with all of this going on around us, we seem to have no way forward on this issue. I am going to be here every Monday after votes to talk about this, and I urge every Member of the Senate, Democratic or Republican, who cares about this issue to join me. We have to wake up the American people to the fact that this Senate is doing nothing. Even though I believe there is a majority for doing something, we don't have the 60 votes. So let's talk about it.

This is what USA TODAY says:

"Why you should sweat climate change."

More American children are getting asthma and allergies, and more seniors are suffering heat strokes. [Already] food and utility prices are rising. Flooding is overrunning bridges, swamping subways and closing airport runways.

We know this is true.

People are losing jobs in drought-related factory closings. Cataclysmic storms are wiping out sprawling neighborhoods. Towns are sinking.

And Congress does nothing.

USA TODAY:

This isn't a science-fiction, end-of-the-world scenario. . . . these scenes are already playing out somewhere in the United States, and they're expected to get worse in the years ahead.

People need to act quickly.

Climate change is not a place and time distant—it's here and now.

That is a quote from Kim Knowlton, who is a health professor at Columbia University, and this was shown in USA TODAY.

The most recent decade was the Nation's hottest on record.

This isn't a guess, this is the truth.

The most recent decade was the Nation's hottest on record, and 2012 was the hottest single year. The average U.S. temperature has risen 1.5 degrees Fahrenheit since reliable recordkeeping began in 1895—80% of that has occurred since 1980.

The economic costs of all these changes are enormous—not only for those directly affected but for the nation's taxpayers, who are stuck with the bills for disaster relief, national flood insurance and drought-related crop losses.

Now, what are we supposed to do about this? Clearly, scientists tell us there is too much carbon pollution in the air, and I will show you where it is coming from. The electricity sector gives us 34 percent of the carbon; the transportation sector, 27 percent of the carbon comes from there; the industrial sector, 20 percent; the agriculture