

guess what. That is not in this bill. There will be other bills, other amendments, that all colleagues will have a chance to either support, if they are for more gun support, or oppose.

What we are saying is, this is one piece of legislation we know will make a difference by keeping guns out of the hands of those who have been adjudicated through a mental court system or a criminal court system. And we know about commercial transactions—people have used all different types of figures as to how many guns basically are transferred at a gun show or online. With the expansion of the Internet there are going to be more and more. All we are saying is that is the least personal of all transactions—on the Internet. I might not know you, Mr. President, but up in your beautiful State of Maine I may see something you have that I would like, and with the technology of this modern world today to make contact, hopefully, I would be able to purchase that. That is something I could never have done 20, 30, or 40 years ago. But I want to make sure also that gun is sent to a licensed dealer who depends on his livelihood by abiding by the law and making sure a background check is done on me before I can purchase or pick up that gun I bought from you. That only makes common sense.

I have heard a lot of things such as: Well, they can be charging a lot. Fees can be charged. We allow the person who is going to be doing that service for you to charge a fee. Let me tell you, as a businessperson, every one of us in business, especially retailers, knows exactly the value of every customer who walks through a door. You might say: Well, they are just shopping. My grandfather says: There is no such thing as a shopper. They are all buyers. They just don't know it yet. They are going to buy something. They walk through the store and they have a value. And if they have a value, you know what is going to happen? You are going to see people advertising: Please come and let us do your background check free for you. That is a service we want to give you. We want you to be right and make sure the right person gets it. And guess what. They might be buying something else. They might buy new boots or some camouflage gear for their son or buy their daughter a new outfit.

That is marketing. That is business. That is what it is all about. So don't let the naysayers say: Oh no, too much of a burden. Trust me, the markets have a unique ability to correct themselves and take advantage of a situation. As a retailer, when a customer—a buyer, not a shopper—comes through the door, we will sell them something. I know that.

So we are going to be happy to talk about this bill for a few days here. We want to invite all our colleagues down. We will be announcing the times we will be coming to the floor. In the meantime, to all of my colleagues, to

all who have been hearing all of these things and getting excited about we are going to do something to take your guns away or take your rights away or register you, that is false. That is a baldfaced falsehood. All we are saying is go online and read the bill. It is only 49 pages. We have even broken it down for you. If colleagues will do that, and bring those conversations to the floor, that is all we can ask. The facts will set you free. The facts will set you free.

We have worked hard. Our staffs have worked exceedingly hard. And I appreciate everybody—my good friend Senator TOOMEY, my good friend Senator TESTER, and the other Senators; Senator KIRK from Illinois and Senator SCHUMER from New York—who has worked so hard to find a balance. It takes us all, from the right and the left, from both sides of the aisle—Republicans, Democrats, and Independents—to work together to make this an American bill. It is not just bipartisan, it is for our country. It is to save children, it is to keep our society safe, and also to protect the rights of law-abiding citizens and law-abiding gun owners such as myself and the Presiding Officer.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BEVERLY REID O'CONNELL TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Beverly Reid O'Connell, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, since the American people first elected President Obama, Senate Republicans have been engaged in a concerted effort to filibuster, obstruct and delay his mod-

erate judicial nominees. They have already, during the last 4 years, filibustered more of President Obama's moderate judicial nominees than were filibustered during President Bush's entire 8 years—67 percent more, in fact—and there is no dispute that President Bush was engaged in an effort to pack the courts with ideological extremists.

In connection with the wrongheaded filibuster of the nomination of Caitlin Halligan, an outstanding nominee to the DC Circuit, I urged them to abandon their misguided efforts that sacrifice outstanding judges for purposes of partisan payback. Regrettably, their response seems to be to expand their efforts through a "wholesale filibuster" of nominations to the DC Circuit and a legislative proposal to strip three judgeships from the DC Circuit.

I am tempted to suggest that they amend their bill to make it effective whenever the next Republican President is elected. I say that to point out that they had no concerns with supporting President Bush's four Senate-confirmed nominees to the DC Circuit. Those nominees filled the very vacancies for the 9th, 10th and even the 11th judgeship on the court that Senate Republicans are demanding be eliminated now that President Obama has been re-elected by the American people. The target of this legislation seems apparent when its sponsors emphasize that it is designed to take effect immediately and acknowledge that "[h]istorically, legislation introduced in the Senate altering the number of judgeships has most often postponed enactment until the beginning of the next President's term" but that their legislation "does not do this." It is just another foray in their concerted efforts to block this President from appointing judges to the DC Circuit.

In its April 5, 2013 letter, the Judicial Conference of the United States, chaired by Chief Justice John Roberts, sent us recommendations "based on our current caseload needs." They do not recommend stripping judgeships from the DC Circuit but state that they should continue at 11. Four are currently vacant. According to the Administrative Office of U.S. Courts, the caseload per active judge for the DC Circuit has actually increased by 50 percent since 2005, when the Senate confirmed President Bush's nominee to fill the 11th seat on the DC Circuit. When the Senate confirmed Thomas Griffith, President Bush's nominee to the 11th seat in 2005, the confirmation resulted in there being approximately 119 pending cases per active DC Circuit judge. There are currently 188 pending cases for each active judge on the DC Circuit, more than 50 percent higher.

Senate Republicans also seek to misuse caseload numbers. The DC Circuit Court of Appeals is often considered "the second most important court in the land" because of its special jurisdiction and because of the important and complex cases that it decides. The court reviews complicated decisions

and rulemaking of many Federal agencies, and in recent years has handled some of the most important terrorism and enemy combatant and detention cases since the attacks of September 11. These cases make incredible demands on the time of the judges serving on this court. It is misleading to cite statistics and to accuse hard-working judges of having a light or easy workload. All cases are not the same and many of the hardest, most complex and most time-consuming cases in the Nation end up at the DC Circuit.

As the former Chief Judge of the DC Circuit Court of Appeals explained again recently, "The nature of the DC Circuit's caseload is what sets it apart from other courts." She correctly noted in her recent column:

The DC Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, health-care reform issues, insider trading and more. These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions.

I ask unanimous consent that a copy of that article again be printed in the RECORD at the conclusion of my remarks.

Today, the Senate will vote on only one of the 15 judicial nominees ready for final action. While I am glad that we are being allowed to fill one of the 86 judicial vacancies around the country, I wish we were allowed to make more progress more quickly. After all, there are 14 judicial nominees voted out of the Judiciary Committee without objection who are currently pending before the Senate. All members of the committee, Republicans and Democrats agreed that they were qualified and should be confirmed. Some were held over from last year. Indeed, there are still five judicial nominees pending on the Executive Calendar who could and should have been confirmed last year.

There are currently three times as many judicial nominees on the Executive Calendar as there were at this point in President Bush's second term. Of course by then the Senate had proceeded to confirm almost two dozen more judges than we have been allowed to proceed to consider. Before Senate Republicans pat themselves on the back too hard, they should help us clear the nominees backlogged from last year and acknowledge that there was just one judicial nominee confirmed this year whose hearing was held this year. The others were all nominees they needlessly held over for months and who should have been confirmed last year.

It is really incomprehensible that so many judgeships were forced to remain vacant for so long when there was no actual opposition to these consensus

nominees. That is not what Democratic Senators did during the Bush administration. This is a new and destructive tactic. Despite the progress we have been allowed to make this year, we remain more than 20 circuit and district nominees behind the pace set during President Bush's administration. Just 183 of President Obama's circuit and district nominees have been confirmed, compared to 206 of President Bush's at the same point, and vacancies today are nearly double what they were in April 2005. We can make up much of that ground if Senate Republicans would just agree to a vote on all 15 nominees currently pending on the Executive Calendar. All of them received bipartisan support in committee, and all but one were unanimous. There is no good reason for further delay.

At this point in President Bush's presidency, when his district nominees were reported by the Judiciary Committee, it took, on average, just 35 days for them to receive a vote. The comparable average for President Obama's district court nominees is nearly three times as long, 102 days. This number is has a firm foundation—arithmetic. It is derived simply by adding up the number of days each nominee waited and dividing by the number of nominees. That is how an average is calculated.

During President Bush's first term alone, 57 district nominees were confirmed within just 1 week of being reported. By contrast, during his first 4 years only two of President Obama's district nominees have been confirmed within a week of being reported by the Committee. Just before the Thanksgiving recess in 2009, when Senator SESSIONS of Alabama was the ranking Republican on the Judiciary Committee, we were able to get Republican agreement to confirm Judge Abdul Kallon, a nominee from Alabama, and Judge Christina Reiss, our Chief Judge for the Federal District Court for the District of Vermont. They had their hearing on November 4, were voted on by the Judiciary Committee 2 weeks later on November 19, and were confirmed by the Senate on November 21. They were not stalled on the Senate Executive Calendar without a vote for weeks and months. They were confirmed 2 days after the vote by the Judiciary Committee. That should be the standard we follow, not be the exception. It should not take being from the ranking Republican's home State to be promptly confirmed as a noncontroversial judicial nominee.

Digging deeper into the numbers, the Congressional Research Service has found that during President Bush's first term, 85 percent of his district nominees waited 60 days or fewer for a vote. In President Obama's first term, 78 percent of his district nominees waited 60 days or longer. What these data show is that President Obama's district nominees have been facing unprecedented delays. There is an undeniable pattern of Republican obstruction

and delay that has faced district nominees during the last four years, a pattern that is without precedent.

While these delays and backlogs are without precedent, Republicans point to April 2004 as the one time that there were a number of President Bush's nominees pending on the floor. Of course back in April 2004, President Bush had bypassed the Senate and recess appointed two individuals to be circuit judges, while Republican Committee staff hacked into a shared server to pilfer Democratic files. Still, we were able to clear the backlog that resulted by confirming more than 20 consensus nominees in just 1 month. There is nothing like that to explain the years of backlogged judicial nominees during this administration. In truth, 17 of the judicial nominations for which Senate Republicans take credit over the past 2 years should have been confirmed more than 2 years ago in the preceding Congress. They allowed only 60 judicial confirmations to take place during President Obama's first 2 years in office, the lowest total for a President in over 30 years. This is not a new phenomenon. During President Obama's first year in office, Senate Republicans stalled all but 12 of his circuit and district nominees. That was the lowest 1-year confirmation total since the Eisenhower administration, when the Federal bench was barely one-third the size it is today.

The fact is that we have these 15 nominees waiting for a vote. All Senate Democrats are prepared to vote on all of them today.

Before Republicans take refuge in the number of vacancies without a nominee, they should be honest about their slow-walking the President on recommendations for nominees from their home States. For example, there are 24 emergency vacancies in States represented by Republican Senators. Over 40 percent of all judicial emergency vacancies are in just 3 States, each of which is represented by 2 Republican Senators. Those Senators should be working with the White House to fill those vacancies. I encourage Republican Senators to work with this President, just as I encouraged Democratic Senators to work with President Bush, to find good nominees for those important vacancies and to allow qualified nominees to move forward. I take very seriously our responsibilities of both advice and consent on nominations.

Today, the Senate is being allowed to confirm Judge Beverly O'Connell to a judicial emergency vacancy on the Federal trial court for the Central District of California, one of the busiest courts in the Nation. She currently serves on the Superior Court for the County of Los Angeles in California, where she has served for the last 8 years. She is also currently an Adjunct Professor of Law at Loyola Law School and at Pepperdine University School of Law. Prior to becoming a judge, she served in the U.S. Attorney's Office for the Central District of California for 10

years and worked in private practice as an associate at Morrison & Foerster LLP. She received the ABA Standing Committee on the Federal Judiciary's highest possible rating, unanimously "well qualified," and has the support of her home State Senators, Senator FEINSTEIN and Senator BOXER. She originally had her hearing last December, was unanimously approved by the Judiciary Committee, will be overwhelmingly approved by the Senate, and should and could have been confirmed last year.

Finally, last month, I spoke about the damaging effect of sequestration on our Federal courts and our system of justice and how these indiscriminate cuts have caused both Federal prosecutors and Federal public defenders to be furloughed. The effects have become all too real as even terrorism prosecutions are being delayed. Chief Judge Loretta Preska of the Southern District of New York called these cuts "devastating." The head of the Federal Defenders Office stated: "On a good day, we're stretched thin. . . . Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment." He is right. Sequestration is causing grave harm to our judicial system. I ask unanimous consent that a copy of an article dated April 8 be printed in the RECORD at the conclusion of my statement.

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

[From the Washington Post, Feb. 28, 2013]

SENATE MUST ACT ON APPEALS COURT
VACANCIES

(By Patricia M. Wald)

Patricia M. Wald, who is retired, served as a judge on the U.S. Court of Appeals for the D.C. Circuit from 1979 to 1999, including five years as chief judge.

Pending before the Senate are nominations to fill two of the four vacant judgeships on the U.S. Court of Appeals for the District of Columbia Circuit. This court has exclusive jurisdiction over many vital national security challenges and hears the bulk of appeals from the major regulatory agencies of the federal government. Aside from the U.S. Supreme Court, it resolves more constitutional questions involving separation of powers and executive prerogatives than any court in the country.

The D.C. Circuit has 11 judgeships but only seven active judges. There is cause for extreme concern that Congress is systematically denying the court the human resources it needs to carry out its weighty mandates.

The court's vacancies date to 2005, and it has not received a new appointment since 2006. The number of pending cases per judge has grown from 119 in 2005 to 188 today. A great many of these are not easy cases. The D.C. Circuit hears the most complex, time-consuming, labyrinthine disputes over regulations with the greatest impact on ordinary Americans' lives: clean air and water regulations, nuclear plant safety, healthcare reform issues, insider trading and more. These cases can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions.

I served on the D.C. Circuit for more than 20 years and as its chief judge for almost five. My colleagues and I worked as steadily and intensively as judges on other circuits even if they may have heard more cases. The nature of the D.C. Circuit's caseload is what sets it apart from other courts. The U.S. Judicial Conference reviews this caseload periodically and makes recommendations to Congress about the court's structure. In 2009, the conference recommended, based on its review, that the circuit's 12th judgeship be eliminated. This apolitical process is the proper way to determine the circuit's needs, rather than in the more highly charged context of individual confirmations.

During my two-decade tenure, 11 active judges were sitting a majority of the time; today, the court has only 64 percent of its authorized active judges. This precipitous decline manifests in the way the court operates. And while the D.C. Circuit has five senior judges, they may opt out of the most complex regulatory cases and do not sit en banc. They also choose the periods during which they will sit, which can affect the randomization of assignment of judges to cases.

There is, moreover, a subtle constitutional dynamic at work here: The president nominates and the Senate confirms federal judges for life. While some presidents may not encounter any vacancies during their administration, over time the constitutional schemata ensures that the makeup of courts reflects the choices of changing presidents and the "advise and consent" of changing Senates. Since the circuit courts' structure was established in 1948, President Obama is the first president not to have a single judge confirmed to the D.C. Circuit during his first full term. The constitutional system of nomination and confirmation can work only if there is good faith on the part of both the president and the Senate to move qualified nominees along, rather than withholding consent for political reasons. I recall my own difficult confirmation 35 years ago as the first female judge on the circuit; eminent senators such as Barry Goldwater, Thad Cochran and Alan Simpson voted to confirm me regardless of differences in party or general political philosophy.

The two D.C. Circuit nominees before the Senate are exceedingly well qualified. Caitlin Halligan served as my law clerk during the 1995-96 term, working on cases involving the Department of Health and Human Services, the Immigration and Naturalization Service, the Federal Communications Commission and diverse other topics. She later clerked for Supreme Court Justice Stephen Breyer. She also served as New York solicitor general and general counsel for the Manhattan district attorney's office, as well as being a partner in a major law firm. The other nominee, Sri Srinivasan, has similarly impressive credentials and a reputation that surely merits prompt and serious consideration of his nomination.

There is a tradition in the D.C. Circuit of spirited differences among judges on the most important legal issues of our time. My experience, however, was that deliberations generally focused on the legal and real-world consequences of decisions and reflected a premium on rational thinking and intellectual prowess, not personal philosophy or policy preferences. It is in that vein that I urge the Senate to confirm the two pending nominations to the D.C. Circuit, so that this eminent court can live up to its full potential in our country's judicial work.

[From the New York Times, Apr. 8, 2013]

CITING CUTS, LAWYERS SEEK RELIEF IN
TERRORISM CASE

(By Benjamin Weiser)

Federal public defenders who are representing a son-in-law of Osama bin Laden

on terrorism charges urged a judge on Monday not to hold an early trial because automatic government budget cuts were requiring furloughs of lawyers in their office.

The request, which seemed to take the judge, Lewis A. Kaplan, by surprise, follows requests that five or six federal judges in Manhattan have received from public defenders to be relieved from cases in the wake of the automatic cuts, known as sequestration, said Loretta A. Preska, the chief judge of the Federal District Court in Manhattan.

"It's devastating," Judge Preska said late Monday. She praised the work of the federal defenders and said their replacement in cases with publicly paid court-appointed lawyers would probably lead to delays and higher costs.

Judge Kaplan said in court on Monday that he was considering holding the trial of bin Laden's son-in-law, Sulaiman Abu Ghaith—a onetime Al Qaeda spokesman charged with conspiring to kill Americans—in September. After the defense requested a later date, he said: "It's extremely troublesome to contemplate the possibility of a case of this nature being delayed because of sequestration. Let me say only that—stunning."

The judge did not set a trial date, saying he would consider the request, but the exchange shows how the forced budget cuts are beginning to have an effect on the administration of justice in federal courts in New York.

About 30 trial lawyers with the federal defenders office handle around 2,000 criminal cases a year in federal courts in Manhattan, Brooklyn and other locations, according to David E. Patton, who heads the office.

The forced cuts, he said, will mean each lawyer in the office will be furloughed for five and a half weeks through the end of September, when the fiscal year ends.

"On a good day, we're stretched thin," Mr. Patton said. "Sequestration takes us well beyond the breaking point. You simply can't sequester the Sixth Amendment."

"Investigations have to be conducted," Mr. Patton added. "Evidence must be reviewed. Law must be researched. Those things don't just happen by themselves."

In seeking the delay, lawyers for Mr. Abu Ghaith, who was arraigned in March, cited the need for overseas investigation, the translation of voluminous materials and other issues. "We would urge the court to find a later date," one lawyer, Martin Cohen, said.

Judge Preska said that lawyers had been allowed to leave one of the cases in which the furlough problem had been cited; the issue is pending in the others.

Newly appointed lawyers would have to "get up to speed" on their cases, and because they are paid by the hour (federal defenders are salaried), the public would probably end up paying more, Judge Preska said. "There's no resolution," she said. "Time is of the essence, and we're very, very concerned."

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, in the midst of another tragic occurrence in our country, where we are all holding our breath to learn the facts, and praying, I wanted to say the business of the Senate is moving forward in terms of judges and how important it is to have judges in place so criminals can be prosecuted and justice is served.

Tonight in front of the Senate is Judge Beverly Reid O'Connell to be district court judge for the Central District Court of California. Judge Reid O'Connell was approved in the Judiciary Committee by a voice vote. She has

had a very diverse legal career. She served as an exemplary superior court judge in Los Angeles. She will be an excellent addition to the Federal bench. She is a lifelong Southern Californian. She grew up in Northridge, where she was valedictorian of her high school. She went on to attend UCLA and Pepperdine Law School, where she was managing editor of the *Law Review* and graduated magna cum laude.

She began her career in private practice, spending 5 years as an associate at Morrison and Foerster. In 1995, she joined the Department of Justice as an assistant U.S. attorney, where she spent 10 years gaining critical criminal law and trial experience.

Judge O'Connell excelled as an assistant U.S. attorney. She was the deputy chief of the general crimes section, responsible for supervising all the attorneys in the criminal division. She was the lead attorney on a case that led to the indictment of the highest ranking member of a major drug trafficking organization on U.S. soil.

For her work on this case she was awarded the DEA Administrator's Award for Exceptional Service.

She has also received numerous other awards from the DEA, FBI, and local governments.

She was appointed Superior Court Judge in Los Angeles in 2005 by Governor Arnold Schwarzenegger, and Judge O'Connell is the Assistant Supervising Judge of the North Valley Judicial District where she is responsible for supervising 3 court houses and 22 bench officers.

An expert in criminal law, she presides over all aspects of felony criminal cases before the Superior Court.

In addition to being well-respected for her demeanor on the bench and her stellar legal intellect, she is known by her colleagues as a great manager and supervisor, attributes which will serve her well at the busy central district.

Judge Reid O'Connell is also very active in the Southern California legal community.

She created a program that brings inner-city students to the Superior Court to educate them about the legal process and to spend time with judges and lawyers.

She also teaches continuing education courses to California judges on criminal law, and is an adjunct professor at the law schools of Pepperdine and Loyola.

Judge Reid O'Connell received the ABA's highest possible rating—unanimously “well qualified and they said she will make an excellent Federal judge.

While we are in the midst of some very contentious debates—and I hope and pray we will move forward with the background check amendment that was crafted by our colleagues Senator MANCHIN and Senator TOOMEY—and while we are worried about everything that has happened in the country, particularly what has happened today at the Boston Marathon, I know we can

move forward tonight because we need to make sure we have qualified judges on the benches to deal with crimes, to deal with justice every single day.

I believe Judge Reid O'Connell is a wonderful choice for these very difficult times and I urge my colleagues to support her nomination.

Mrs. FEINSTEIN. Mr. President, I rise to express my strong support for Superior Court Judge Beverly Reid O'Connell's nomination to be a district judge for the Central District of California.

Born in Ventura, CA, Judge O'Connell graduated from the University of California, Los Angeles in 1986 and earned her law degree from Pepperdine University School of Law magna cum laude in 1990. She was managing editor of the *Pepperdine Law Review*.

Following law school, she worked on complex civil litigation in private practice at the law firm Morrison & Foerster for 5 years. She then joined the U.S. Attorney's Office in the Central District of California, where she served for 10 years, from 1995 through 2005. She handled a number of high profile cases, such as the prosecution of a high ranking member of the Arellano Felix drug cartel.

She was appointed to the Superior Court by former Governor Arnold Schwarzenegger in 2005. She has been an outstanding judge, presiding over literally thousands of cases and approximately 150 jury trials. She also has been a proven administrator, serving with great skill as an assistant supervising judge for the North Valley District of the Superior Court.

Simply put, Judge O'Connell has outstanding credentials and an impeccable reputation, and she has received a rating of “well qualified” from the American Bar Association—the ABA's highest rating.

I will conclude by saying that I have met with Judge O'Connell, and I have no doubt she will be an excellent addition to the Central District.

I commend Senator BOXER for recommending such a fine candidate to President Obama, and I am pleased her nomination is on the floor today. I hope my colleagues will support her nomination.

Mrs. BOXER. Mr. President, before I yield the floor I want to say, for the note of anyone who has been following that on Monday nights I usually speak about climate change. I am not going to do this tonight. I am going to put that off until next week.

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

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

BOSTON MARATHON TRAGEDY

Mr. REID. Mr. President, I, like every Member of the Senate, am

shocked and saddened by the news from Boston today. There were explosions near the finish line at the Boston Marathon. My thoughts go out to all those who were injured, and my condolences go to the families and friends of those affected by this tragedy.

I commend the first responders and the observers who rushed toward danger to help those who were hurt. We will continue to monitor the news from Boston.

President Obama has spoken to a number of people, including the mayor of Boston and Governor Deval Patrick. They have pledged every resource available to help those who were affected and to find and bring to justice the perpetrators. The President will be speaking to the Nation in about 20 minutes.

I will do whatever I can to support the people of Boston and the Commonwealth of Massachusetts, as we all will, during this difficult time.

I ask unanimous consent that all time be yielded back on the nomination, and following a moment of silence in observance of the tragic events which took place in Boston earlier today, the Senate then proceed to vote on the confirmation of the nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Under the previous order, the Senate will observe a moment of silence.

(Moment of Silence.)

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Beverly Reid O'Connell to be United States District Judge for the Central District of California?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Massachusetts (Ms. WARREN), are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 96 Ex.]

YEAS—92

Alexander	Baucus	Blumenthal
Baldwin	Begich	Blunt
Barrasso	Bennet	Boozman

Boxer	Hatch	Nelson
Brown	Heinrich	Paul
Burr	Heller	Portman
Cantwell	Hirono	Pryor
Cardin	Inhofe	Reed
Carper	Isakson	Reid
Casey	Johanns	Risch
Chambliss	Johnson (SD)	Roberts
Coats	Johnson (WI)	Rockefeller
Cochran	Kaine	Rubio
Collins	King	Sanders
Coons	Kirk	Schatz
Corker	Klobuchar	Schumer
Cornyn	Landrieu	Scott
Cowan	Leahy	Sessions
Crapo	Lee	Shaheen
Cruz	Levin	Shelby
Donnelly	Manchin	Stabenow
Durbin	McCain	Tester
Enzi	McCaskill	Thune
Feinstein	McConnell	Toomey
Fischer	Menendez	Udall (CO)
Flake	Merkley	Udall (NM)
Franken	Mikulski	Warner
Gillibrand	Moran	Whitehouse
Grassley	Murkowski	Wicker
Hagan	Murphy	Wyden
Harkin	Murray	

NOT VOTING—8

Ayotte	Heitkamp	Vitter
Coburn	Hoeven	Warren
Graham	Lautenberg	

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

WORLD WAR II VETERANS VISIT

Mr. TESTER. Mr. President. On April 21, 88 World War II veterans from Montana will be visiting our Nation's Capital.

With a great deal of honor and respect, I extend a hearty Montana welcome to each and every one of them.

Together, they will visit the World War II Memorial and share stories about their service. This journey will no doubt bring about a lot of memories. I hope it will give them a deep sense of pride as well.

What they achieved together almost 70 years ago was remarkable. That memorial is a testament to the fact that a grateful nation will never forget what they did or what they sacrificed. To us, they were our greatest generation. They left the comforts of their family and their communities to confront evil from Iwo Jima to Bastogne. Together, they won the war in the Pacific by defeating an empire and liberated a continent by destroying Hitler and the Nazis.

To them, they were simply doing their jobs. They enlisted in unprecedented numbers to defend our freedoms and our values. They represented the very best of us and made us proud.

From a young age, I remember playing the bugle at the memorial services of veterans of the first two World Wars. It instilled in me a profound sense of respect that I will never forget.

Honoring the service of every generation of American veterans is a Montana value. I deeply appreciate the work of the Big Sky Honor Flight, the nonprofit organization that made this trip possible.

To the World War II veterans making the trip, I salute you. We will always be grateful, and we will never forget your service or your sacrifice.

ADDITIONAL STATEMENTS

TRIBUTE TO ANNA JO GARCIA HAYNES

• Mr. BENNET. Mr. President, today I wish to celebrate Anna Jo Garcia Haynes, a remarkable Coloradan, who has made helping kids her life's work. Anna Jo rises every morning and before she greets the day, asks, "What can I do to improve the lives of kids today?" She began her work with the founding of the Mile High Montessori Early Learning Center, which operates eight centers in Denver's inner city for children from families with limited resources.

Anna Jo has received many accolades over her career, and she has been recognized by foundations, elected officials, including both houses of the Colorado legislature, and many others. She is often praised with flowery language and many whereas clauses to acknowledge her service to Colorado's kids.

I know that Anna Jo would want me to say in my remarks today that she is very proud of her humble, pioneer roots in Colorado and that she raised five children, who were secure in their mother's love and grew up to become leaders in their own right. She would further want me to say that she lives for kids—and has worked to create hope and success for kids who were not born into educational or economic opportunity but who have achieved it due to the programs she has worked to create and support.

This month, Anna Jo is receiving due recognition from the Girls Athletic Leadership School in Denver, CO, for being a champion for Colorado education. I join the Girls Athletic Leadership School and the State of Colorado in thanking Anna Jo for working to create educational opportunity and for enriching our community and our State. I look forward to whatever Anna Jo tackles in the future and the positive influence she will continue to have in our community. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on April 12, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 716. An act to modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2013, the Secretary of the Senate, on April 12, 2013, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 716. An act to modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms.

Under the authority of the order of the Senate of January 3, 2013, the enrolled bill was subsequently signed on April 12, 2013, during the adjournment of the Senate, by the President pro tempore (Mr. LEAHY).

MESSAGE FROM THE HOUSE

At 2:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 678. An act to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes.

H.R. 1120. An act to prohibit the National Labor Relations Board from taking any action that requires a quorum of the members of the Board until such time as Board constituting a quorum shall have been confirmed by the Senate, the Supreme Court issues a decision on the constitutionality of the appointments to the Board made in January 2012, or the adjournment sine die of the first session of the 113th Congress.

The message also announced that the House has agreed to the following resolution:

H. Res. 142. Resolution relative to the election of Members to Joint Committee of Congress on the Library and Joint Committee on Printing.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated: