

of his announcement in his hometown of Paterson, he set out an agenda for the remaining 2 years of what he wanted to get done before he left the Senate: reforming the U.S. chemical safety laws, improving gun safety, and providing Federal resources for New Jersey to rebuild from Superstorm Sandy.

We owe it to FRANK and his memory to make sure those things are done. I know that BOB MENENDEZ, his friend and close colleague from New Jersey, will pick up that gauntlet and proceed to carry on in FRANK's name.

He used to say with some pride that he was a success in business—and he was—and that he understood the mind of businessmen. But he never ever lost touch with the common man and the people who counted on him in New Jersey and around the United States.

The Senate is going to miss FRANK LAUTENBERG. I am going to miss a great pal. I am going to miss one of the best dinner companions you could ever dream of here in Washington, DC. We are going to join together on Wednesday up in New York for a memorial service. I am sure it is going to be widely attended, because FRANK did a lot of good for a lot of people over the course of his years in public service. I am going to miss him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LEAHY. Mr. President, I was going to speak on a different subject, but I will speak further about our dear colleague Senator LAUTENBERG. I look at the flowers on his desk—it seems in the years I have been here I have seen too many colleagues' flowers there. Of course, every day FRANK LAUTENBERG was here, I had the privilege of serving with him, a dear friend. I missed him when he left the Senate and was overjoyed when he came back to the Senate. He was a man who cared about his country, cared about the Senate, cared about the people.

He was a man who came from humble beginnings and became extremely wealthy. He spent a lot of time giving that wealth away. He was the last combat veteran—in fact, the last veteran from World War II serving in this body. Those of us who got to know him and spent time hearing of those horrendous times in Europe during World War II are better for it. We realized a person who had served the country during that time did more than any of the rest of us.

I will speak further about my friend FRANK LAUTENBERG. I know Marcelle and I extend our love to Bonnie and his children, his family.

I ask consent to speak as in morning business.

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

NOMINATIONS

Mr. LEAHY. Mr. President, before the Senate went into recess, I was disappointed with the statements made to the Senate that misstated the history of Judge Srinivasan's confirmation process. The Senator who said the chairman of the Judiciary Committee made "no effort, no effort" to have a hearing on Judge Srinivasan until late last year was misinformed, and in stating what he did, he misinformed the Senate.

We made efforts in the fall before the election to schedule such a hearing, and I renewed our push to have a hearing on the nomination before the end of the session. I was accommodating Republican objections by not scheduling a hearing before the end of last year.

These erroneous RECORD statements—these erroneous statements to the rest of the Senate—have me wondering whether I should be so accommodating to Republican scheduling demands if they then forget their demands in their efforts to avoid responsibility and to blame others. In other words, they request a delay and then say, well, of course it is somebody else's fault that we had the delay.

Judge Srinivasan was nominated June 11, 2012, during a summer when Senate Republicans were in the process of constricting the confirmation process and intent on their misapplication of the so-called Thurmond rule to stall judicial nominees before the Presidential election. It was only in May, 2012, that the Senate completed action on the 19 nominees held over on the Senate Executive Calendar in 2011. Republicans were in the process of filibustering a nominee to the Ninth Circuit from Arizona. Interestingly enough, the person they were filibustering had been recommended by Jon Kyl of Arizona, the deputy Republican leader, of course a Republican Senator. Republicans were dragging out confirmations of judicial nominees who had been nominated in the fall of 2011 and the early months of 2012. They even filibustered a Tenth Circuit nominee from Oklahoma who had been supported by the two Republican Senators from Oklahoma in what was the first filibuster of a circuit court nominee reported with bipartisan support by the Judiciary Committee. Throw out all the precedents, throw out all the rule books, throw out everything Democrats and Republicans have done in the past—it is going to be our way or the highway. Even when the President of the United States, in trying to reach out, nominates a judge supported by the two Republican Senators of that State, a judge reported out by a bipartisan vote by the Senate Judiciary Committee, they say: Oh, what the heck, President Obama nominated him, let's filibuster him. This is wrong. It is

a pity. It is beneath the United States Senate.

They filibustered a First Circuit nominee from Maine who was supported by the two Republican Senators from Maine. In addition, Republicans had filibustered the earlier nomination of Caitlin Halligan to the DC Circuit. Anybody who needs to refresh their recollections of those months should reread my statements on judicial nominations from June 6, June 11, June 12, June 18, June 26, July 10, July 16, July 23, July 30, August 2, September 10, September 20, November 30, December 3, December 6, December 11, December 13, and December 17. Unlike the recent misstatements made to the Senate, the facts are in those statements of mine.

By July 19, 2012, I had determined that the paperwork on the Srinivasan nomination was complete and the nominee could be included in a hearing. It has been my practice as chairman of the Judiciary Committee, in an effort to be fair, to do something that was not always done by others, to give the minority notice and allow consultation before scheduling a nomination for a hearing. At that time, the next July hearing had been discussed as one devoted to the nominee to head the Antitrust Division of the Department of Justice, a nomination that itself had been delayed and to which there was Republican opposition. During the August recess, my staff asked Senator GRASSLEY's about holding a hearing on the Srinivasan nomination in September. They raised objections and concerns about proceeding with the DC Circuit nomination at that time but agreed to proceed with four district nominees and a Court of International Trade nominee.

In November 2012, after the American people had solidly reelected President Obama, we raised the need for the hearing on the DC Circuit nomination anew. Republicans objected, again, in spite of the precedent of holding a hearing on one of President Bush's DC Circuit nominees during a similar lameduck session.

Instead, they said: No, no, no. It is all right to do it for a Republican President but not for this Democratic President, Barack Obama. We can't do it for him. I know you allowed it for President George W. Bush, but after all, he is different. He was a Republican President. We cannot do it for this Democratic President. Instead they wanted to proceed only with district court nominees during the lameduck. Republicans insisted the Srinivasan hearing be put off until the next Congress and the new year. In deference to the Republican minority, I held off. They agreed that he would be included in the first nominations hearing of the 113th Congress.

Then, in early January this year, when called upon to hold up what they said they would agree to, their end of the bargain, Republicans wanted to change the rules again and they

balked. They insisted the nominee and others be interviewed and scores of documents be produced in their effort to stall other nominations. In other words, having made an agreement, they backed out of it. The nominee was not, and could not have been, the “lawyer . . . who handled” the *Magner* case. In fact, the United States was not a party in the *Magner* case. As was readily apparent from the one email that named Srinivasan, his alleged “involvement” was merely being asked by Tom Perez, now the President’s nominee to be Labor Secretary, a technical legal question about U.S. Supreme Court procedure. It was the nominee’s job as the Principal Deputy Solicitor General to answer such questions for administration officials—and he did answer it appropriately. Republicans could have asked him about it at his confirmation hearing in January and fulfilled their agreement, but they insisted on using his nomination as leverage against the administration. They insisted, instead, on first interviewing three U.S. Department of Justice officials, including Tom Perez, before they would go forward with his hearing.

After months of attempts to get the committee Republicans to focus on the nominee at hand while they insisted on their wide-ranging investigation of Tom Perez, a nominee not pending before the Judiciary Committee, Republicans finally agreed to include Srinivasan at the Judiciary Committee on April 10, 2013. That was more than 7 months after the hearing I had first been proposed and more than three months after the hearing to which they had previously agreed.

As I noted in my December 12 hearing statement, as Chairman I had not jammed the minority with judicial confirmation hearings the way my Republican predecessor did. I was trying to bring the Senate back to the way it should be, the same way I did during the immigration hearings and markup. I did not want to go back to the games played that we had to face when they were in charge. I think no good deed goes unpunished.

We held only 11 judicial nomination hearings in 2012. In light of the Senate’s recess schedule for the election cycle, we held only two after the August recess. The nominations included at those hearings were the result of consultation with the ranking minority member and were essentially by agreement.

I now see that when we try to work it out, and we keep our word and we have conciliation and accommodation and keep our word and our part of the bargain, all we get is recrimination from the other side as they try to break the bargain. That is not the Senate I have been proud to serve in for 38 years.

This nominee was praised at the hearing and proceeded to answer scores of written questions after the hearing. When he had provided his written re-

sponses, I listed his nomination for action by the Judiciary Committee on May 9, 2013. In what has become standard practice for the Republicans on the Judiciary Committee, they still insisted on holding him over for another week for no good reason. I protected their right on that, even though it has been abused in a way I have never seen in 38 years.

Presaging the unanimous Senate vote, the vote in the Judiciary Committee was 18 to zero when it was finally allowed to proceed on May 16. Republicans then insisted that the Senate vote on his confirmation be delayed two weeks until after the Memorial Day recess. I would not be surprised if Senate Republicans now took credit for expediting that vote despite the fact that it took the Majority Leader filing a cloture petition to get that vote in May.

I make significant efforts to ensure that the minority is prepared to move forward on a nomination before we schedule a hearing. My staff routinely gives them our plan weeks in advance. Even with this advance notice, I routinely have to notice a hearing without listing nominees because the minority has not yet taken the time to read the basic material on the nominations despite its being available for weeks, and sometimes months, with something a law clerk could have done in 20 minutes, but this highly paid professional staff can’t get around to doing it.

I am disappointed that despite the fact that I have bent over backwards to accommodate them, Senate Republicans contend that I made “no effort, no effort” to hold Judge Srinivasan’s hearing last fall. One Republican Senator said during the debate on the Srinivasan nomination that the delay must have been my choice since that decision was “solely within the control of the Democratic majority.” For Senate Republicans to pretend that they had no role in delaying this nomination was wrong. Do they really think the American people are that gullible? I think not.

We had the Policeman of the Year award early this morning in the Mansfield Room. When I looked up at that painting of Mike Mansfield, I thought of how wonderful it was to come here when he was the majority leader. I remember him saying one thing: Senators, no matter what their party, should always keep their word; and when on the floor of the Senate, they should always tell the truth. That is good advice. I wish people would start following it.

COMMENDING SENATOR STABENOW

I see the distinguished Senator from Michigan, the chair of the Senate Agriculture Committee, on the floor. If I could take 30 seconds longer so I can say with her here what I said about her in Vermont to a group of farmers this past week: The Senate is blessed to have her as chair. Nobody has done it better, and I can speak with some experience. She brought through a wonder-

ful bipartisan farm bill last year. The other body did not take it up. She is going to bring through a wonderful one this year. I hope they will take it up.

While she is on the Senate floor, I want to say the same thing I said about her in the State of Vermont: Every one of us is so proud of the Senator. Whether it was a Republican or Democrat, they all agreed.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 954, which the clerk will report.

The bill clerk read as follows:

A bill (S. 954) to reauthorize agricultural programs through 2018.

Pending:

Stabenow (for Leahy) amendment No. 998, to establish a pilot program for gigabit Internet projects in rural areas.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, before the distinguished chair of the Judiciary Committee—and former chair of the Agriculture Committee—leaves the floor, I just want to thank him not only for being a wonderful role model for me in chairing the Agriculture Committee, but also for the way in which he conducts the Judiciary Committee. He is evenhanded, fair, and gives every member the opportunity to make their case, whether it is legislation coming through on gun violence, immigration, or judicial nominations. I just want to thank the Senator for being the model of a statesman in all he does.

I agree that we need to move forward in a fair and open bipartisan way in filling the nominations of our judiciary. I just wanted to thank the Senator from Vermont.

Mr. President, we are resuming the consideration of the farm bill, the agriculture reform, food, and jobs bill. Before I address that, I want to take a moment—as many colleagues have already done, and many more will do—to pay a very special tribute to a dear friend and colleague, Senator FRANK LAUTENBERG of New Jersey.

REMEMBERING FRANK R. LAUTENBERG

I was deeply saddened, as we all were today, to learn Senator LAUTENBERG had passed away during the night. My thoughts and prayers are with Bonnie and the whole family, as I know they are grieving because of the special loss they feel and we will all feel.

He was the kind of Senator we will not see again—a World War II veteran. We have lost our World War II veterans. He defended freedom against