

we build a stronger middle class. This is how we build a better future for our entire country. It is a first step, but it is a good one.

Congress can pass the Keep Student Loans Affordable Act. It is a short-term patch to keep interest rates on new loans from doubling for 1 year while Congress develops a plan to reform student loans and to make college more affordable. I support the measure, and I urge my colleagues to do the same.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MANCHIN). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GREGORY ALAN PHILLIPS TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

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 Gregory Alan Phillips, of Wyoming, to be a United States Circuit Judge for the Tenth Circuit.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I don't wish to in any way cut into the time of the senior Senator from Wyoming, but I hope once he and Senator BARRASSO have finished speaking—once their time is consumed—we might agree that the vote will still be at 5:30, if possible, or as close to that time as possible.

Our Constitution provides the Senate an important role to play in providing advice to the President and in voting on whether to confirm nominees for our third branch of government. Last month, we were reminded of the importance of these confirmation votes when the Supreme Court handed down several narrowly-decided opinions that are already impacting millions of Americans. As a senior member of this chamber, I have voted on the confirmation of every one of the nine justices currently serving. Since only a tiny percentage of cases brought in Federal court ever end up at the Supreme Court, the Federal courts of appeal are often the courts of last resort for most disputes. I am glad that today we are finally voting to confirm another appellate nominee.

Before the Memorial Day recess, the minority leader asked during a floor debate when Gregory Phillips, the Wyoming nominee to the Tenth Circuit, would receive a vote. When the majority leader immediately offered a vote on that nominee, the minority leader demurred without giving any reason. Senate Republicans have now finally decided to allow the vote on Gregory Phillips to move forward, but there was no reason for this delay in his confirmation vote.

Gregory Phillips is currently the attorney general of Wyoming, a position to which he was appointed by Wyoming's Republican Governor. From 2010 to 2011 he worked in the Wyoming attorney general's office as the special assistant to the Governor for legislative affairs. Prior to working in the Wyoming attorney general's office, he was an assistant U.S. attorney in Wyoming, and spent 14 years in private practice. Attorney general Phillips has also served as a part-time deputy county attorney, an assistant municipal judge and as a state senator. Following law school, he served as a law clerk to the Honorable Alan B. Johnson of the U.S. district court for the District of Wyoming. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Phillips "well qualified," its highest rating.

At his Judiciary Committee hearing, Attorney General Phillips was introduced by his two Republican home State Senators, Senator ENZI and Senator BARRASSO, both of whom strongly support his nomination. He was reported unanimously by the Judiciary Committee nearly 3 months ago. While his confirmation vote has not been delayed quite as long as votes on most of President Obama's nominees, he could and should have been confirmed last May when the majority leader offered.

With the confirmation of Attorney General Phillips, there will be 10 active judges on the Tenth Circuit. According to the most recent data, this means that the number of pending appeals per active judge on that court will drop from 150 to 135. I mention this because another appellate court, the DC Circuit, currently has 177 pending appeals per active judge. Despite that higher caseload, some Senate Republicans argue that the DC Circuit's caseload is too low, and that three of its judgeships should be eliminated. I suspect that many, if not all, of these Senators will vote to confirm Attorney General Phillips, even though his confirmation means that the Tenth Circuit will now have the lowest caseload in the country, just as earlier this year they supported the confirmation of Jane Kelly to the Eighth Circuit, which gave that court the lowest caseload in the country, and just as they supported the confirmation of Robert Bacharach to the Tenth Circuit, which gave that court the lowest caseload in the country. I hope those Senators will reconsider their double standard and not play politics with an independent branch of government.

Some of the same Senate Republicans who are opposing President Obama's three nominees to the DC Circuit are also criticizing him for making too few nominations and somehow claiming that many vacancies without a nominee cannot possibly be the fault of Senate Republicans. I recall that before President Obama made a single judicial nomination, all Senate Republicans sent him a letter threatening to filibuster his nominees if he did not consult Republican home State Senators. They cannot have it both ways.

I take very seriously my responsibility to make recommendations when we have vacancies in Vermont, whether the President is a Democrat or a Republican, and other Senators should do the same. After all, if there are not enough judges in our home States, it is our own constituents who suffer. It should be only a matter of weeks or months, not years, for Senators to make recommendations.

Unfortunately, in some States it appears as if there is no effort being made to recommend qualified nominees to the administration. There are three district vacancies in Georgia without nominees, and the oldest is over 4 years old. There are three district vacancies in Kentucky without nominees, and the oldest is over a year and a half old. There are seven district vacancies in Texas without nominees, and the oldest is over 4½ years old. Three months ago the Senators from Texas announced a nominations commission, but it is my understanding that it is still not accepting applications. If Senators want new judgeships in their States, they should be working especially hard to ensure that all existing ones are filled. Republican Senators who demanded to be consulted on nominations should live up to their responsibilities and fulfill their constitutional obligation to advise the President on nominations. They should follow the example of Democratic Senators: the administration has received recommendations for all current district vacancies in States represented by two Democratic Senators.

Moreover, the failure of some Republican Senators to help fill vacancies in their own States does not excuse their unwillingness to complete action on the nominations the President has made. I regret that I must correct the record, again, on how Senate Republicans have obstructed judicial nominees over the past 4 years. The continued assertion by Senate Republicans that 99 percent of President Obama's nominees have been confirmed is not accurate. President Obama has nominated 243 individuals to be circuit or district judges, and 197 have been confirmed by the Senate. That is 81 percent, not 99 percent. By way of comparison, at the same point in President Bush's second term, July 8 of his fifth year in office, President Bush had nominated 10 fewer people to be circuit or district judges, but had seen 215 of them confirmed, which is 18 more confirmations. The truth is that 92 percent

of President Bush's judicial nominees had been confirmed at the same point, 11 percentage points more than have been allowed for President Obama. That is an apples-to-apples comparison, and it demonstrates the undeniable fact that the Senate has confirmed a lower number and a lower percentage of President Obama's nominees than President Bush's nominees at the same time in their Presidencies.

I noted at the end of last year, while Senate Republicans were insisting on delaying confirmations of 15 judicial nominees that should have taken place in wrap up, we would not likely be allowed to complete work on them until May. That was precisely the Republican plan. So when Senate Republicans now seek to claim credit for their confirmations in President Obama's second term, they are inflating the confirmation statistics. The truth is that only 11 circuit and district confirmations have taken place this year that are not attributable to those nominations Senate Republicans needlessly held over from last year. To use a baseball analogy, if a baseball player goes 0 for 9, and then gets a hit, we do not say he is an all star because he is batting 1.000 in his last at bat. We recognize that he is just 1 for 10, and not a very good hitter, nor would a fair calculation of hits or home runs allow a player to credit those that occurred in one game to the next because it would make his stats look better.

If President Obama's nominees were receiving the same treatment as President Bush's, today's vote would bring us to 215 confirmations, not 198, and vacancies would be far lower. The non-partisan Congressional Research Service has noted that it will require 29 more district and circuit confirmations this year to match President Bush's 5-year total. Even with the confirmations finally concluded during the first 6 months of this year, Senate Republicans have still not allowed President Obama to match even the record of President Bush's first term. Even with an extra 6 months, we are still eight confirmations behind where we were at the end of 2004.

The assertion by some Senate Republicans that "there is no difference in how this President's nominees are being treated versus how President Bush's nominees were treated" is simply not supported by the facts. Compared to the same point in the Bush administration, there have been more nominees filibustered, fewer confirmations, and longer wait times for nominees, even though President Obama has nominated more people and there are more vacancies. And while Senate Republicans have taken to comparing President Obama's fifth year to President Bush's fifth year, the fact is that there were fewer confirmations then because we had done such good work in President Bush's first term, in particular the 100 confirmations we achieved during the 17 months in 2001 and 2002 when I was chairman of the

Judiciary Committee. In fact, from June 9, 2005, until October 20, 2005, there were no consensus judicial nominees on the Executive Calendar. So the only reason there have been more votes this year than in 2005 is that, contrary to Republicans' assertions, we have had more nominees this year, mostly because they were held over from last year by Senate Republicans.

While the routine and sustained delays over the past 4 years are without precedent, Republicans point to June 2004 as the one time that there were a number of President Bush's nominees pending on the floor. I recall that in early 2004, President Bush had bypassed the Senate and recess appointed two controversial nominees to be circuit judges and that around that time we learned that Republican committee staff hacked into a shared server to pilfer Democratic files. Still, we were able to clear nominations 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.

Context matters. Anyone can point to this example or that example, but when you look at the whole picture, it is clear that President Obama's nominees have faced unprecedented delays on the Senate floor and that his nominees have been less likely to be confirmed than President Bush's at the same point.

But the context of these statistics also matters. Judicial nominations should not be about partisan tit for tat. Judicial vacancies impact millions of people, all across America, who depend on our Federal courts for justice. When you compare the Senate's record from 2001 to 2005, and from 2009 to 2013, it is clear that we are not meeting the standard we set for how quickly the Senate can act to fill judicial vacancies. Throughout my career, whether as a prosecutor or as chairman of the Judiciary Committee, I have fought for justice, and to ensure that people have access to justice and can have their day in court. That is why my recent statements have discussed not only the delays in the nominations process, but also the impact of sequestration cuts on our legal system. I continue to hear from judges and other legal professionals about the serious problems sequestration either has caused or will cause if we do not fix it.

Chief Justice John Roberts recently noted that sequestration "hit [the judiciary] particularly hard. . . . When we have sustained cuts that means people have to be furloughed or worse and that has a more direct impact on the services that we can provide." I ask unanimous consent that this article titled "Chief Justice Roberts: Sequester cuts hitting federal judiciary 'hard'" be printed in the RECORD at the conclusion of my statement. We should all be doing everything we can to help our co-equal branch meet the Constitution's promise of justice for all Americans.

The impact of sequestration on the third branch is compounded by the high level of judicial vacancies. I know we can do better because we have done better. Each day that Senate Republicans refuse to confirm the qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to resolve disputes. Hard-working Americans should not have to wait years to have their cases decided.

Even if it were true, it is not good enough to say that the Senate is treating President Obama's nominees the same as it treated President Bush's. The real question is whether the Senate is meeting its duty to do everything it reasonably can to ensure the American people have access to justice. When Senate Republicans refuse to make recommendations for nominees, and then delay votes on consensus nominees, they are not somehow hurting the President, they are hurting the American people and our justice system.

Today, Attorney General Phillips will finally be confirmed by the Senate, and there are many more nominees the Senate should consider in the coming weeks. Tomorrow, the Senate Judiciary Committee will hear from James Comey, who President Obama has nominated to serve as FBI Director. Later this week the committee will begin the process of considering the first of three current nominees to the DC Circuit. The Judiciary Committee is also scheduled this week to vote on the nomination of B. Todd Jones to serve as Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The ATF has been without a Senate-confirmed Director since 2006. Senate Republicans refused to allow a vote on President Bush's nominee to lead the ATF and I hope they will not attempt to do the same again. Nominees to lead the Labor Department and the Environmental Protection Agency are also awaiting our consideration. I hope the Senate will be able to come together and confirm these worthy nominees without the delay that has befallen so many nominees in the past 4 years.

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

[From The Hill, June 29, 2013]

CHIEF JUSTICE ROBERTS: SEQUESTER CUTS
HITTING FEDERAL JUDICIARY "HARD"
(By Ben Geman)

Supreme Court Chief Justice John Roberts on Saturday said the sequester is hurting the judicial branch and that he's hopeful Congress will provide flexibility.

Roberts, speaking at a conference in West Virginia, noted that the judicial branch of government overall is less than one percent of the federal budget.

"You get a whole branch of government under the Constitution for relative pennies, and the idea that we have to be swept along because it is good public policy to cut everybody—I am not commenting on that policy at all—but the notion that we should just be swept along with it I think is really unfounded," Roberts said of the across-the-board budget cuts.

"The cuts hit us particularly hard because we are made up of people. That is what the judicial branch is. It is not like we are the Pentagon where you can slow up a particular procurement program or a lot of the other agencies. When we have sustained cuts that mean people have to be furloughed or worse and that has a more direct impact on the services that we can provide," he added, speaking at the Fourth Circuit Judicial Conference.

Roberts said the Administrative Office of the U.S. Courts is working with congressional appropriators "to get them to go to bat for us," and that he's hopeful. "I hope we are able to make an effective case for why we need a little bit more flexibility than others," Roberts said.

And, in a bit of humor, he tried some obvious flattery.

"I just want to say publicly, that I think our appropriators in Congress are the best legislators since Henry Clay and Daniel Webster, and you can quote me on that if you'd like," Roberts said.

In other remarks, Roberts said the Supreme Court justices are asking too many questions from the bench during oral arguments.

"We do overdo it," Roberts said. "The bench has gotten more and more aggressive." He noted that lawyers trying to present their arguments "feel cheated sometimes."

He said that justices do not talk about cases before the arguments. So they use questions as a way to "bring out points that we think our colleagues ought to know about," and debate one another through questions to lawyers making arguments.

But he said, "That is an explanation. It is not meant as an excuse."

"I do think we have gone too far," Roberts said. "It is too much and I think we do need to address it a little bit."

Roberts comments came after a busy week for the court, with justices handing down rulings striking down a key portion of the Voting Rights Act and ruling the Defense of Marriage Act unconstitutional.

Mr. GRASSLEY. Mr. President, I support the nomination of Gregory Alan Phillips to be United States Circuit Judge for the Tenth Circuit. This is the 27th judicial confirmation this year. With today's confirmation, the Senate will have confirmed 198 lower court nominees; we have defeated two. That is 198-2, which is an outstanding record. That is a success rate of 99 percent.

We have been doing these at a fast pace. During the last Congress, we confirmed more judges than any Congress since the 103rd Congress, which was 1993-1994.

This year, the beginning of President Obama's second term, we have already confirmed more judges than were confirmed in the entire first year of President Bush's second term. Let me emphasize that again—we've already confirmed more nominees this year than we did during the entirety of 2005, the first year of President Bush's second term.

After today, only four article III judges remain on the executive calendar—three district nominees and one circuit nominee. Yet somehow Senate Democrats cite this as evidence of obstructionism.

Compare that to the calendar of June 2004, when 30 judicial nominations were

on the calendar—10 circuit and 20 district. I don't recall any Senate Democrats complaining about how many nominations were piling up on the calendar.

Nor do I remember protestations from my colleagues on the other side that judicial nominees were moving too slowly. Some of those nominees had been reported out more than a year earlier and most were pending for months. Some of them never got an up or down vote.

The bottom line is that the Senate is processing the President's nominees exceptionally fairly. President Obama certainly is being treated more fairly in the beginning of his second term than Senate Democrats treated President Bush in 2005. It is not clear to me how allowing more votes so far this year than President Bush got in an entire year amounts to "unprecedented delays and obstruction." Yet that is the complaint we hear over and over from the other side.

After today's votes, there will be 84 vacancies in the Federal judiciary. But 53 of those spots are without a nominee. How is it Republicans' fault that the President has not sent 53 nominees to the committee? Obviously, common sense ought to tell you that we can't act on nominees who are not presented to the Senate.

I just wanted to set the record straight—again—before we vote on this nomination.

Mr. Phillips received his B.S. in 1983 and his J.D. in 1987, both from the University of Wyoming. Upon graduation, he served as a law clerk from 1987 to 1989 to the Honorable Alan B. Johnson, U.S. district judge for the District of Wyoming. After completion of his clerkship, he worked in private practice in the town of Evanston. There he practiced a wide variety of civil law, including personal injury, wills and estates, real property, contracts, worker's compensation, employment, domestic relations, and bankruptcy. For a few months during this time, Mr. Phillips served as a part-time deputy county attorney, mostly prosecuting misdemeanor crimes until a new county attorney could be elected.

In 1998, Mr. Phillips and Matthew H. Mead, presently serving as Governor of Wyoming, opened a law practice in Cheyenne, focusing on Medicaid, insurance, banking, and Federal tort claims law. Mr. Phillips served as a special attorney general during this period, handling a Medicaid third-party and estate reimbursement for Wyoming.

Mr. Phillips joined the U.S. Attorney's office in 2003 as an assistant U.S. attorney, where he first worked on both civil and criminal issues before shifting to exclusively criminal work. In 2011, Mr. Phillips was appointed by Governor Mead to be attorney general of the State of Wyoming. As attorney general, he manages five law divisions, overseeing arguments before the Wyoming Supreme Court and the Tenth Circuit Court of Appeals.

Mr. LEAHY. So I can help speed up things, I yield back all time on the Democratic side and yield to the senior Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the chairman of the Judiciary Committee for expediting the confirmation of Greg Phillips.

I rise this afternoon to add strong support for the confirmation of Gregory Alan Phillips to serve as a judge on the Tenth Circuit Court of Appeals. I believe Mr. Phillips has all the characteristics necessary to serve as a Federal appellate judge. I worked with Mr. Phillips in the Wyoming Legislature and can say with confidence that he is recognized throughout the Wyoming legal community as a talented, respected, and thoughtful attorney.

This vote is also important because the Tenth Circuit Court of Appeals has experienced a number of judicial vacancies recently. In February the Senate confirmed Judge Bacharach of Oklahoma to the panel, and we now have the opportunity to fill another vacancy so the Tenth Circuit can continue its work.

Mr. Phillips has served as Wyoming's attorney general since 2011. The attorney general is not an elected position in Wyoming, and it is important to note that Mr. Phillips was appointed by Governor Mead, although they do not share the same party affiliation. This speaks tremendously to Mr. Phillips' talent and legal reputation. Governor Mead and former U.S. attorney comments that Greg is a "first-rate legal thinker, a tireless worker and has an abiding sense of fair play." Governor Mead goes on to say that if confirmed, all those who appear before Mr. Phillips will find "a judge fully prepared, engaged, and respectful to all."

Mr. Phillips was reported out of the Senate Judiciary Committee with a unanimous vote on April 18. The fact that he now stands for a vote after only being nominated in January is a credit to his abilities and strong bipartisan support. I thank Chairman LEAHY, Ranking Member GRASSLEY, and members of the Judiciary Committee for reviewing and moving this nomination along so quickly.

It is no surprise that the American Bar Association unanimously gave Mr. Phillips its highest rating. Greg has extensive experience practicing law as a deputy county attorney and in private practice. Before becoming Wyoming's attorney general, Mr. Phillips served 7 years as an assistant U.S. attorney for the District of Wyoming, handling criminal prosecutions and appeals. Greg has extensive experience arguing in Federal court, including taking nearly 20 cases before the Tenth Circuit.

Mr. Phillips studied economics at the University of Wyoming and graduated with honors from the Wyoming College of Law, where he was on the Law Review. Immediately following law school

Mr. Phillips served as a clerk for U.S. district judge Alan Johnson of Wyoming. Judge Johnson writes that Greg is "devoted to the rule of law and will honor the remarkable judicial officers who preceded him." Specifically, Judge Johnson notes that Mr. Phillips' thorough study of the U.S. sentencing guidelines, experience as a Federal criminal prosecutor, and understanding of State and Federal legal issues will serve him well on the Tenth Circuit.

Mr. Phillips also has strong support from his colleagues from around the Nation. Thirty-four attorneys general wrote the Senate Judiciary Committee in March expressing their support for the nomination. I am told there would have been more signatures on that letter, but the nomination was advanced so diligently that some did not get a chance to sign the letter before Greg's hearing.

I would like to conclude by saying that I can personally attest to Mr. Phillips' qualifications to serve as a Federal judge. Greg was on the senate Judiciary Committee when we served together in the Wyoming Legislature. On the senate floor, we sat across the aisle from each other—and I do not mean just across the Republican-Democratic aisle, I mean right next to each other across the aisle—and got to visit a lot. He was a part of formulating my 80 percent rule for legislating.

Greg and his family are highly respected in their Wyoming community, and Wyoming is proud to call Greg one of our own. He will be an outstanding judge to follow Terry O'Brien, another longtime friend of mine. Terry and I, when he was a Wyoming District Court judge and I was in the Wyoming State senate, used to have dinner together to solve the world's problems. Then I became a U.S. Senator and he became a U.S. circuit court judge. I know his successor will honorably fill that seat.

Mr. Phillips is highly qualified to serve on the Tenth Circuit Court of Appeals, and I call on my colleagues to also support his confirmation. Let's get this man to work in his new job.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Wyoming.

Mr. BARRASSO. Mr. President, I join Senator ENZI in strongly supporting the nomination of Greg Phillips to a seat on the Tenth Circuit Court of Appeals. Greg Phillips will be an outstanding judge. He graduated with honors, as you heard from Senator ENZI, from the University of Wyoming College of Law. He has worked in private practice, he has worked in the Office of the U.S. Attorney for Wyoming, and he currently serves as attorney general for the State of Wyoming. The breadth of his experience, his understanding of the law and the role of a judge, as well as the thoroughness with which he approaches his responsibilities—well, they will serve him well.

The people who know him best—his peers—uniformly praise his intellect,

his diligence, and his fairness. His former boss, U.S. district judge Alan Johnson, said this in a recent letter to Senator ENZI:

Again and again, local defense attorneys have expressed their appreciation for the fair handed, respectful, and even tempered treatment they have received from Greg Phillips.

We are very fortunate in Wyoming to have Greg Phillips nominated for the bench. I have no doubt that as his career continues, he will become a successful and a respected member of the Tenth Circuit Court of Appeals. I strongly encourage all Members of the Senate to join Senator ENZI and me in voting to confirm Greg Phillips.

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

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

Mr. ENZI. I yield back the remainder of any of our time and ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gregory Alan Phillips, of Wyoming, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Maine (Mr. KING) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CRUZ), the Senator from Arizona (Mr. FLAKE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—88

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

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

NOT VOTING—12

Cantwell	Graham	McCain
Coats	Heitkamp	Murkowski
Cruz	Inhofe	Rubio
Flake	King	Toomey

The nomination was confirmed.

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

LEGISLATIVE SESSION

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

The PRESIDING OFFICER. The majority leader.

KEEP STUDENT LOANS AFFORDABLE ACT OF 2013—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, it is my understanding a motion to proceed to S. 1238 is now pending; is that correct?

The PRESIDING OFFICER. That is correct.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to calendar No. 124, S. 1238, a bill to amend the Higher Education Act of 1965 to extend the current reduced interest rate for undergraduate Federal Direct Stafford Loans for 1 year, to modify required distribution rules for pension plans, and for other purposes.

Harry Reid, Tom Harkin, Jack Reed, Kirsten E. Gillibrand, Patrick J. Leahy, Amy Klobuchar, Tom Udall, Sheldon Whitehouse, Ron Wyden, Benjamin L. Cardin, Richard Blumenthal, Christopher A. Coons, Sherrod Brown, Robert P. Casey Jr., Elizabeth Warren, Al Franken, Richard J. Durbin, Debbie Stabenow.

Mr. REID. I ask unanimous consent the mandatory quorum required under rule XXII be waived.

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