

more comprehensive strategy. I wish that bill had come to the floor. I wish the Senate had taken action. But, candidly, I also am dismayed this administration has not taken action to do something in a more comprehensive way.

No question the introduction of chemical weapons has changed the dynamic tremendously. I think the chairman was very articulate in explaining why this is important. I wish to say to everybody in this body, to me an equally important issue for our Nation is the credibility of the United States of America. I believe our President, whether you support him, whether you like him, I believe the President spoke for our Nation when he established a red line some months ago regarding the use of chemical weapons.

I believe it is very important for our Nation's credibility in the region and in the world that we have an appropriate response when we have a dictator such as Asad take the actions he has taken against international norms the way he has but especially when the Commander in Chief of our Nation has spoken the way he has about this issue. To me this is twofold. Certainly, it is about the international norms that have been spoken to eloquently by many, but to me it is also an issue of this Nation's credibility of the response as people are looking on to what we are going to do.

That is why I support this authorization. I do wish to go back over a couple points the chairman referred to relative to the substance of the authorization. I think most people know the White House sent over an authorization that to me was very broad. It did not define what we were going to do in a specific way.

I know the chairman just talked about the fact that this authorization is tailored. It is specific. Let me go over again specifically what this authorization does. It is specific purposes only: to respond to the use of weapons of mass destruction to dissuade future use, degrade ability, and to prevent transfer, no boots on the ground for combat operations.

I know there have been some discussions about that in our committee. Very emphatically, this authorization eliminates and keeps any boots on the ground for combat operations from occurring.

This has a time limit of 60 days with a 30-day extension which Congress can disapprove. It is geographically limited to Syria only, which the original authorization was not. It is against legitimate military targets only, which again the original authorization was not.

There are a series of determinations the President has to make prior to taking action with this authorization, including that it is in the core national interests of the United States and that he has a military plan to achieve the objectives.

In addition, this authorization requires a comprehensive strategy for a negotiated end to this conflict.

I wish to refer to something else the chairman mentioned; that is, the type of activity. I know there have been a number of editorial comments in papers and publications around the country referring to this as a pinprick. There have been other concerns by Members of this body as to the duration of this effort, as to how long it will be.

I have had the privilege, because of the position I serve in on the Foreign Relations Committee, to be involved in multiple phone calls and personal meetings. There was one last night that lasted at great length with the President and Vice President.

I wish to say to every person in this body, I have no belief whatsoever that if military action is taken, it is going to be a pinprick—none. The American military has incredible ability to deal with issues in a forceful way but also do so in a very short timeframe.

I do believe, based on the many meetings we have had, both with military and civilian leadership, that to characterize what is proposed as a pinprick or to characterize what is proposed as inserting ourselves into a long-term civil war, I think both of those characterizations are wrong.

Obviously, one of the dilemmas people here deal with is that we write policy and then it is up to the administration to carry that out—and no question, none of us will be involved in the direct carrying out. But it is my firm belief that there is not a thread of thinking by the administration that what they are considering is a pinprick.

On the other hand, I have not a thread of thought that they are also considering doing something that is going to involve us in a long-term civil war. Obviously, conflicts such as this are complex.

In closing, let me say this. Each Senator has to make their own decision. This is one of those things where lobbying is not something that is going to make up the minds of Senators. I think each Senator has to make up their own hearts and minds.

What I can say is we are going to have an open process. I know we have talked about the process going forward. I hope Senators will keep their amendments germane. I hope we have a sober debate about an issue that is the most important type of decision any Senator will make.

I am thrilled the President decided to come to Congress for an authorization. I know a lot of people have made many comments regarding this. Candidly, I am pleased the President has come to us for a debate. It is my hope the Senate, after hearing the facts and after having a thoughtful debate, will approve the authorization for the use of military force.

I couldn't agree more with the chairman that if people wish to see a diplo-

matic solution—which is the only way we are going to end this conflict—I do not think this conflict ends militarily. I believe we have learned a lot from the last two episodes we have been through.

I believe it is important for us to have this authorization because I believe it is the only thing at this point, the fact that we passed it out of committee, the fact that it is on the floor, that might possibly lead to a diplomatic settlement.

I also believe it is time for the President to lead. I know there have been a lot of statements over the last week, and the President had multiple audiences in which to speak. I understand this, and I understand reports out of these meetings can come in many ways not to be accurate.

The President is coming to the Hill tomorrow. He will be making a major speech to the United States, the citizens of our country, tomorrow night. I know many of them have lives, where all of them, most of them, get up in the mornings, go to work, they raise their families, and they haven't had the opportunity to spend as much time on these issues. That is why we are elected to do this.

I will say this. It is very important for the President of the United States to come to Congress and for the President of the United States to make his case to the American people.

He is asking for this authorization. I believe it is important for us to give him this authorization.

Again, I wish to thank the chairman for working with us to make sure we have narrowed this authorization in such a way that I think it meets the test of what the American people and what all of us wish to see happen. But I do believe now it is up to the President, over the next several days and this week, to make his case to the American people as to why the Senate should give him this authorization for the use of military force, which I hope we will do.

I thank you for the time, and I yield the floor.

EXECUTIVE SESSION

NOMINATION OF VALERIE E. CAPRONI TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

NOMINATION OF VERNON S. BRODERICK TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER (Mr. KING). Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Valerie E. Caproni,

of the District of Columbia, to be United States District Judge for the Southern District of New York, and Vernon S. Broderick, of New York, to be United States District Judge for the Southern District of New York.

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

The Senator from New Jersey.

Mr. MENENDEZ. I ask that all time during this debate on the Executive Calendar be equally divided on both sides and any quorum call that is called be equally divided as well in terms of charging time.

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

Mr. LEAHY. Mr. President, today we will be voting on just 2 of the 11 district and circuit nominees left pending on the Senate floor prior to the August recess. Ten of these nominees had been reported by voice vote, and there was no good reason we could not have confirmed them then and allowed them to get to work on behalf of the American people. I hope that Senate Republicans will not seek to drag out the nominees who will be left pending on the floor after today, as they did for the nominations left pending at the end of last year. It took us until May of this year to confirm 9 of the 10 circuit and district nominations that were ready for votes last year, and it will likely take us another month or two to work our way through this new backlog.

One effect of this obstruction is that for the first time in nearly 2 years, our Federal district courts are again facing what the nonpartisan Congressional Research Service calls “historically high” vacancies. This could have been avoided if Senate Republicans had simply followed Senate tradition and allowed votes on the nine consensus district nominees before the recess.

The Republicans’ effort to obstruct and delay the confirmations of nominees means that over the course of President Obama’s administration the number of judicial vacancies nearly doubled. In January 2009, there were 53 Federal district and appellate court vacancies—37 of which have been designated as judicial emergency vacancies by the nonpartisan Administrative Office of the U.S. Courts. This is unacceptable. We have the nominees we need to make progress, but we do not have the consent we need from Senate Republicans.

Republicans have argued that we do not need to pick up the pace of confirming Federal judges, because we have confirmed more of President Obama’s nominees than at the same point in 2005, the fifth year of George W. Bush’s Presidency. The facts tell a different story. President Bush made just 5 new circuit and district nominations in 2005, compared to 43 new circuit and district nominations by President Obama this year. With more nominees to consider, it only makes

sense that we have held more hearings and confirmed more judges this year than in 2005.

Today the Senate will vote on the nominations of Valerie Caproni and Vernon Broderick to fill vacancies in the Southern District of New York. Since the time of her nomination until today, the seat to which Ms. Caproni is nominated has been added to the list of judicial emergency vacancies by the nonpartisan Administrative Office of the Courts. Ms. Caproni is currently vice president and deputy general counsel for Northrop Grumman Corporation. She has served the public in various capacities, including as General Counsel of the Federal Bureau of Investigation from 2003 to 2011, as Regional Director of the Securities and Exchange Commission’s Pacific Regional Office from 1998 to 2001, and as a Federal prosecutor in the U.S. Attorney’s Office for the Eastern District of New York from both 1985 to 1992 and 1998 to 2001. During her tenure as a Federal prosecutor, she served as Chief of the Criminal Division, Chief of the Organized Crime & Racketeering Unit, and Chief of the Special Prosecutions Unit. Ms. Caproni also has extensive experience in private practice, having served as counsel in the New York office of Simpson, Thacher & Bartlett and as an associate at the law firm Cravath, Swaine & Moore. Following law school, Ms. Caproni clerked for the Honorable Phyllis Kravitch of the U.S. Court of Appeals for the Eleventh Circuit.

Mr. Broderick has split his career between Weil, Gotshal & Manges LLP, where he is currently a partner and was previously counsel and an associate, and the U.S. Attorney’s Office for the Southern District of New York, where he was an assistant U.S. attorney. A graduate of Yale University and Harvard Law School, Mr. Broderick has extensive experience in Federal court. He has also tried 11 jury cases to verdict. Since he was appointed in 2003 by Mayor Bloomberg, Mr. Broderick has served on the Commission to Combat Police Corruption.

Both nominees have the support of their home State Senators, Senator SCHUMER and Senator GILLIBRAND. Both nominees were also unanimously rated “well qualified” by the nonpartisan ABA Standing Committee on the Federal Judiciary, its highest rating. They were reported by the Judiciary Committee by voice vote nearly 3 months ago.

I hope the Senate moves to confirm these nominees, but reducing Federal judicial vacancies from 94 to 92 is not enough. It is well past time for the Senate to get serious about giving our Federal courts the resources they need to provide justice for the American people. In July the Judiciary Committee’s Subcommittee on Bankruptcy and the Courts held a hearing on the impact of sequestration that highlighted the damage that these senseless cuts are doing to our justice system. To-

morrow, Senator COONS will chair another hearing in that subcommittee to evaluate the judgeship needs of Federal courts across the country and hear testimony on the Coons-Leahy Federal Judgeship Act of 2013, which would implement the judicial conference’s recommendations for desperately needed new judgeships. I hope that Senators from both sides of the aisle will support this bill, which is based on what judges across the Nation believe they need to administer justice effectively. Addressing the resources of a coequal branch of our government should not be politicized. We need to end sequestration and act responsibly in addressing the staffing needs of our justice system so that it can continue to serve the American people and be a model for other countries.

Mr. GRASSLEY. Mr. President, I will not support the nomination Valerie E. Caproni to be U.S. District Judge for the Southern District of New York. However, I expect that she will likely be confirmed, as will Mr. Broderick. These will be the 30th and 31st judicial confirmations this year. With today’s confirmations, the Senate will have confirmed 202 lower court nominees; we have defeated 2. That is 202-2 for President Obama. That is an outstanding record. That is a success rate of 99 percent. I think we have had a pretty outstanding record this Congress.

And we have been doing that at a fast pace. During the last Congress we confirmed more judges than any Congress since the 103rd Congress, which was 1993-94.

So far this year, the first 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.

At a similar stage in President Bush’s second term, only 10 judicial nominees had been confirmed. So we are now at a 31 to 10 comparison, with President Obama clearly ahead of where President Bush was at a similar time frame.

And, as I said, we have already confirmed more nominees this year—31—than we did during the entirety of 2005, the first year of President Bush’s second term, when 21 lower court judges were confirmed.

So I just wanted to set the record straight—again—before we vote on these nominations.

I also want to explain why I oppose the confirmation of Ms. Caproni. From 2003 to 2011, she served as the General Counsel of the Federal Bureau of Investigation. During that time, she was involved in the national security letters—NSL—program at the FBI. This program was the subject of a report by the Office of Inspector General—OIG—within the Department of Justice—DOJ, published in 2010.

In that report, the FBI was criticized for its role in the potential abuse by the FBI’s use of national security letters. The report also detailed her office’s knowledge of the use of exigent

letters to short-circuit the NSL process. The IG also found problems regarding the inaccurate reporting of NSLs.

When the Committee reported out her nomination earlier this year, I voiced my concern over the fact that I had made a request to the FBI over 6 years ago, asking for documents regarding exigent letters.

In March 2007, Chairman LEAHY and I requested copies of unclassified emails related to the use of national security letters issued by the FBI. I only received a few of these emails, and they were heavily redacted, so in 2008 I asked for the rest.

Ms. Caproni was general counsel of the FBI at the time and told me that the documents I was waiting for were on her desk, awaiting her review. Well, in 2013 as we approached her hearing, I still had not received those documents.

I asked Ms. Caproni about this in her hearing and she had no specific recollection of this request. So, I asked her again in writing. This led to a set of FOIA documents being produced, which are a poor substitute for properly answering a Committee request. It also raises further questions as to why it took 6 years and why Ms. Caproni told me years ago that she was working on responding to our request.

I subsequently followed up with the FBI with specific requests regarding Ms. Caproni's involvement in the matter. The FBI has not responded to my requests.

I also made requests from the DOJ Inspector General. While the IG did make some materials available to me, there are outstanding requests to which they have not responded.

At issue is the correspondence between Ms. Caproni and OIG about the OIG's draft report. These are not "internal documents" as the IG has claimed which relate to the internal deliberative process of the OIG. They are not "internal" communications because the Inspector General's office is supposed to be separate and independent from the FBI, and Ms. Caproni was the FBI's counsel.

They are, however, a critical component required both for oversight of the underlying program as well as to ensure that the back-and-forth between an independent IG and the agency is transparent and arms-length.

At the time we reported her nomination out of Committee, I stated that while I would not hold her nomination in Committee, I reserved my right to do so on the Senate floor. So now, even though I have consented to the vote going forward, I will not support the nomination.

Ms. Caproni received her B.A. at Tulane in 1976 and her J.D. from the University of Georgia School of Law in 1979. Upon graduation, she clerked for 1 year for the Honorable Phyllis Kravitch, United States Court of Appeals for the Eleventh Circuit. Following her clerkship, she entered private practice as a civil litigator for Cravath, Swaine & Moore focusing on

defense work on behalf of large companies primarily with respect to libel, antitrust, and securities matters. She was in this position from 1980 to 1985.

In 1985 Ms. Caproni became an Assistant U.S. Attorney where she prosecuted a number of narcotics and other criminal cases. In 1989, Ms. Caproni became the General Counsel of the Urban Development Corp—now Empire State Development. There her primary responsibility was to provide legal advice to the executives and directors of the corporation, focusing on administrative law, banking and bankruptcy law, environmental and land use, real estate, and products liability. She returned to the U.S. Attorney's Office in 1992 where she prosecuted criminal cases and became part of the administration of the Criminal Division. She served as Chief of the Criminal Division from 1994 to 1998. In 1998 Ms. Caproni became the regional director of the SEC's Pacific Regional Office where she worked on enforcement of Federal securities laws.

From 2001 to 2003, she returned to private practice at Simpson Thacher & Bartlett where she worked on white collar criminal defense. After this she became General Counsel of the FBI where her primary responsibility was to provide legal advice to executive management. She served there from 2003 to 2011.

In 2011 Ms. Caproni was hired by Northrop Grumman to be vice president and deputy general counsel where she remains today. She is currently responsible for supervision of all litigation and internal investigations, specializing in civil litigation and investigations and setting strategy in cases and investigations that affect the corporation. The ABA Standing Committee on the Federal Judiciary gave her a unanimous "Well Qualified" rating.

Vernon S. Broderick is also nominated to be U.S. District Judge for the Southern District of New York. Mr. Broderick received his B.A. from Yale University in 1985 and his J.D. from Harvard Law School in 1988. Upon graduation, he joined Weil, Gotshal & Manges as an associate. His practice there mainly focused on civil litigation, specifically large commercial disputes that involved breach of contract, products liability, patent and bankruptcy.

In 1994, he joined the United States Attorney's Office, first in the General Crimes Unit, then in the Narcotics Unit and the Violent Gangs Unit. He was Chief of the Violent Gangs Unit from 1999–2002.

Mr. Broderick rejoined Weil, Gotshal & Manges as a Counsel in 2002 and was made a Partner in 2005. His practice focused on white collar criminal investigations and prosecutions, regulatory investigations and proceedings, and business litigation. The ABA Standing Committee on the Federal Judiciary gave him a unanimous "Well Qualified" rating.

Mr. MENENDEZ. In view of the fact I don't see any Members at this point, 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.

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

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

Mrs. GILLIBRAND. Mr. President, I rise to urge my colleagues on both sides of the aisle to support Valerie Caproni for U.S. district judge for New York's Southern District. I know Ms. Caproni to be a woman with impeccable credentials, incredible intellect, and the kind of fair-minded judgment we need on the Federal bench.

Ms. Caproni serves as vice president and general counsel for Northrop Grumman Corporation, where she leads all aspects of litigation. Ms. Caproni joined Northrop Grumman from her former position as general counsel to the FBI, a position Director Robert Mueller personally asked Ms. Caproni to serve in, in the wake of the horrific attacks of September 11. Ms. Caproni knows full well the task at hand for the FBI is never easy—from protecting America from terror and other attacks—a balance of defending our civil liberties and civil rights. But as she puts it:

They always strive to do the right thing, and to maintain as a loadstar fealty to the Constitution and the rule of law.

That is what Ms. Caproni believes to her very core.

Ms. Caproni also served in the Securities and Exchange Commission, where she enforced regulatory programs in the nine-State Pacific region. She and her staff strengthened cooperation between the SEC and the U.S. Attorney's Offices to crack down on financial fraud.

Ms. Caproni also served as Chief of the Criminal Division for the U.S. Attorney's Office for the Eastern District of New York and in private practice at several top firms.

Through her breadth of experience, her talent, her intellect, and her strong character, I know Ms. Caproni will be an outstanding jurist.

I strongly believe this country needs more women such as she serving in the Federal Judiciary, an institution that I believe needs more exceptional women.

I have no doubt that having Ms. Caproni serve in the Federal Judiciary will bring us closer to achieving that goal of a Federal judiciary that reflects our Nation.

I was honored to recommend her for this position, and I urge all my colleagues to vote in support of her confirmation.

I urge my colleagues to vote in favor of another outstanding New Yorker, Vernon Broderick, to also be a U.S. district judge for the Southern District of New York.

Mr. Broderick served as an assistant U.S. attorney in the Southern District

of New York, where he helped protect New Yorkers by prosecuting cases involving organized crime, international narcotics trafficking, and violent crimes. I urge the Senate to vote in full support of Mr. Broderick's nomination.

Mr. DURBIN. Mr. President, I rise to speak about the nomination of Valerie Caproni to serve as a judge on the U.S. District Court for the Southern District of New York.

When the Senate Judiciary Committee considered Ms. Caproni's nomination on June 13 and reported her nomination out of committee, I asked to be recorded as a "pass" on the vote. I did so because I wanted to meet in person with Ms. Caproni to discuss matters that she worked on when she served as general counsel of the Federal Bureau of Investigation from 2003 to 2011.

During Ms. Caproni's tenure, the FBI adopted controversial new investigative policies and implemented sweeping new surveillance authorities granted by the USA PATRIOT Act.

For example, revised Attorney General's guidelines for FBI investigations and the FBI's Domestic Investigations and Operations Guide allow the FBI to conduct "assessments" using intrusive surveillance techniques on innocent Americans with no indication of wrongdoing or other factual predicate. And while the Justice Department's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies" prohibits the use of profiling by Federal law enforcement in "traditional law enforcement activities," this ban does not apply to profiling based on religion and national origin, and it does not apply to national security and border security investigations.

The Justice Department's Inspector General concluded that the FBI was guilty of "widespread and serious misuse" of the National Security Letter authority when Ms. Caproni was general counsel. Also during Ms. Caproni's tenure, the FBI interpreted section 215 of the PATRIOT Act to permit the collection of noncontent "metadata" on every phone call of every American, including the numbers of both callers and the time and duration of the call.

As general counsel, Ms. Caproni would have been the final word in the FBI on the legality of these and all other Bureau activities.

As a result of my concerns about Ms. Caproni's involvement in these activities, I asked for her commitment, if confirmed, to recuse herself from matters on which she had been involved or provided legal advice while working for the FBI or on which her impartiality might reasonably be questioned.

I met in my office with Ms. Caproni on June 25, and on July 8, Ms. Caproni sent me a letter memorializing her commitment to recuse herself from such matters. I appreciated receiving this letter, and I ask unanimous consent that the letter be printed in the RECORD.

In light of our meeting and Ms. Caproni's commitments to me, I will

not oppose her nomination to the district court.

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

Washington, DC, July 8, 2013.

Hon. RICHARD DURBIN,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: Thank you for the opportunity to meet with you to discuss my nomination as a judge for the United States District Court for the Southern District of New York. It was a pleasure to meet with you and your staff.

As I indicated in my Senate Judiciary Committee Questionnaire, if confirmed, I would follow the Code of Conduct for United States Judges, as well as any other applicable ethics rules or federal statutes to resolve any potential conflicts of interest. As I further stated, if I had personal or supervisory involvement in a matter while at the FBI or Northrop Grumman, I would not participate in it as a judge.

To follow up on our conversation and to be more specific, as required by 28 U.S.C. §455, I would recuse myself from any case in which my impartiality could reasonably be questioned. I would certainly recuse myself if I were presented with a case that would require me to rule on the legality of a national security program as to which I provided legal advice while I was a government employee, unless there were controlling precedent already in place regarding such a program. If such precedent did exist, I nonetheless would consider recusal on a case-by-case basis, carefully considering any arguments and consulting with appropriate experts on judicial ethics and, if appropriate, my colleagues. In those cases in which I did not recuse, I would apply controlling law.

Please let me know if you have any other questions or matters you would like to discuss.

Very truly yours,

VALERIE CAPRONI.

Mr. DURBIN. I yield the floor, and 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. CARDIN. 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. CARDIN. Mr. President, I yield back the time.

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

The question is, Will the Senate advise and consent to the nomination of Valerie E. Caproni, of the District of Columbia, to be United States District Judge for the Southern District of New York?

Mr. CARDIN. 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 Louisiana (Ms. LANDRIEU) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "yea."

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—73

Baldwin	Gillibrand	Murray
Baucus	Graham	Nelson
Begich	Hagan	Portman
Bennet	Harkin	Pryor
Blumenthal	Hatch	Reed
Boxer	Heinrich	Reid
Brown	Heitkamp	Rockefeller
Burr	Hirono	Sanders
Cantwell	Isakson	Schatz
Cardin	Johanns	Schumer
Carper	Johnson (SD)	Sessions
Casey	Kaine	Shaheen
Chambliss	King	Stabenow
Chiesa	Klobuchar	Tester
Coats	Leahy	Thune
Collins	Levin	Toomey
Coons	Manchin	Udall (CO)
Corker	Markey	Udall (NM)
Cornyn	McCain	Vitter
Donnelly	McCaskill	Warren
Durbin	McConnell	Whitehouse
Feinstein	Menendez	Wicker
Fischer	Mikulski	Wyden
Flake	Murkowski	
Franken	Murphy	

NAYS—24

Ayotte	Enzi	Merkley
Barrasso	Grassley	Moran
Blunt	Heller	Paul
Boozman	Hoeben	Risch
Coburn	Inhofe	Roberts
Cochran	Johnson (WI)	Rubio
Crapo	Kirk	Scott
Cruz	Lee	Shelby

NOT VOTING—3

Alexander Landrieu Warner

The nomination was confirmed.

VOTE ON VERNON S. BRODERICK

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Vernon S. Broderick, of New York, to be United States District Judge for the Southern 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. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

SYRIA

Mr. REID. Mr. President, tomorrow the President is going to brief the Democratic caucus and the Republican caucus separately. He is going to address the Nation tomorrow night. As we all know, there are international discussions relevant to the matter in Syria.

Normally what I would do in a situation such as this is file cloture today, but I don't think that is to our benefit. I don't think we need to see how fast we can do this; we have to see how well we can do this, so I will not file cloture this evening on the Syria resolution.

I have spoken to the Republican leader. I have talked to virtually all of my Democratic Senators. We have enough votes to get cloture, but I don't think we should be counting numbers tonight. I think what we need to do is to make sure the President has the opportunity to speak to all 100 Senators and all 300 million American people before we do this.

As I have said before, when we get on this, we are going to deal with this in a manner that is dignified and move forward in a way that is expeditious, yet thorough.

I have discussed this with the President and other people in the administration. I repeat: I wish to make sure the President has a full opportunity to make his case to the Senate and the American people before we vote on this matter.

As always, I will continue to discuss this with Senator McCONNELL, and we will see if we can reach some kind of agreement to move forward without cloture. If that doesn't work out, I will file cloture when it is appropriate.

The PRESIDING OFFICER. The Senator from Ohio.

ORDER OF PROCEDURE

Mr. BROWN. Mr. President, I ask unanimous consent to speak as if in morning business for up to 15 minutes. After I conclude my remarks, I ask that Senator INHOFE of Oklahoma and Senator CASEY of Pennsylvania be recognized.

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

The Senator from Ohio.

LABOR DAY

Mr. BROWN. Mr. President, most of us were in our States over Labor Day. I usually come to the floor a few days after Labor Day to talk about the importance of Labor Day and what it means to working Americans, what it has meant to our country, and what it has meant to building a strong middle class.

I would like to read a letter sent to me by Bill Ross, who is an Ohio business leader. Mr. Ross writes:

I grew up in a first generation immigrant family in a small Ohio town.

My father, who obtained only an 8th grade education (not uncommon for his generation), worked hard in an industrial job.

My mother worked at home to care for our family of 5 children. When able to do so, she went to work outside the household too.

We rented a home for \$25 a month, ate nutritious meals at home, and all walked to school with clean clothes each day.

All five children went to college, obtained post-graduate professional degrees, and pursued rewarding professional careers in law, education and business.

How did that happen?

Because, first and foremost, my father had a job with a living wage and health care for his family that his union protected. Because we had access to good quality public education. Because we had access to affordable state universities and student loan programs that we could later afford to repay. Because blue collar working people had a chance.

I hope we can restore all that in America again.

Bill Ross's story is very much like my wife Connie's story. Bill Ross was born in Ashtabula a bit before my wife who was also born there. Bill Ross's dad carried a union card and his mother went to work when she could. My wife's father carried a utility worker's union card for more than 30 years in Ashtabula, OH. Her mother was a home care worker who worked, when she could, after the children were a little older.

My wife, as did Bill Ross, was able to go to school with minimal debt. She graduated from Kent State University in the 1970s with not much more than \$1,200 in student debt.

The ability of a living wage and carrying a union card gave them a reason to celebrate Labor Day because it gave so many working families a chance.

The Presiding Officer comes from a State much like mine. He understands the importance of carrying a union card and getting a living wage gives people the kind of opportunity that people in this country deserve.

For generations hard-working Americans left their homes every morning, and some at night, to earn an honest living. They bent with swollen knees to put on steel-toed work boots to provide for loved ones. They put up with calloused hands to build a better life for their children.

Middle-class Americans and people struggling to enter the middle class labored to ensure that children have enough food and clean clothes and an adequate education to thrive.

We know steelworkers, nurses, mechanics, teachers, and plumbers are not always treated with the dignity they deserve—especially, far too often, from our elected officials.

American history is a history of struggle for working people—fighting for representation and fair wages, for access to good-paying jobs, and for the dignity every human being deserves. It is about fighting for democracy and civil rights—as we were reminded a few days ago when we marked the 50th anniversary of the March on Washington for jobs and freedom.

More than a century ago, when John Patterson Green, an Ohioan, and

Cedarville native John Henderson Kyle introduced a bill to establish Labor Day as a State holiday in Ohio, they were not thinking of any one segment of the population. They were focused on the rights of all Americans who work hard and play by the rules.

Since then, we have seen how the middle class grew when we ensured that hard work is rewarded with fair pay and decent benefits.

Seventy-five years ago, President Roosevelt signed the Fair Labor Standards Act, which ultimately ensured that American workers would receive a minimum wage, reasonable work hours, and an end to child labor.

One of the authors of that bill, Senator Hugo Black, sat at this specific desk in the Senate and supported Social Security, minimum wage, and paying for overtime. He initially introduced that legislation in 1932.

President Roosevelt led us to decades of prosperity by ensuring that hard work is met with fair wages and decent working conditions. A minimum wage helped to lift millions of Americans from poverty and allowed them to join the middle class.

Today workers face new challenges. While corporate executives and Wall Street banks are earning record profits, too many families in Ohio, Indiana, Oklahoma, and across the country are still struggling. Some politicians have used the recession and the budget crisis it created as grounds for attacking worker's rights. We have seen vicious attacks on workers' rights across the country. We have seen it in North Carolina. We saw it last year in Indiana and Michigan. We have seen it over the last 3 years in Ohio.

Ohio passed one of the worst attacks on collective bargaining rights in Ohio's history, trying to convince people that public employees caused the financial crisis, not Wall Street. Workers fought back and shattered a record for signatures needed to establish a ballot initiative and energized 2 million voters who came out to overturn that wrong-headed law.

Today, because the unity of not just labor union members but the huge majority of voters in Ohio, police officers, firefighters, sanitation workers, teachers, and other public sector workers continue to have the right to bargain and work with management through collective bargaining to ensure safety and fairness on the job.

In Akron, OH, UAW workers at Meggitt do high-quality and efficient work which allows them to be competitive with workers in Mexico and has prevented operations from being outsourced and helped to attract new investment in Ohio.

In Toledo, Youngstown, Cleveland, and beyond, union autoworkers helped bring back the American auto industry. They are building the cars of the future that people want to drive. I met with business owners across Ohio over this August and the month before and the month before and the month before