

As it turns out, there were only 9 active judges for almost that entire 12-month period. Janice Rogers Brown was sworn in on June 10, 2005, and Judge Griffith was sworn in June 29, 2005. As a result, during that 12-month period there were 10 active judges for a total of only 19 days. There were 11 active judges on the DC Circuit for a grand total of 1 day.

A few months later in 2005, the court was back down to nine after Judge Roberts was elevated to the Supreme Court and Judge Edwards took senior status.

This is how hard pressed the other side is to refute what everyone knows to be true: The caseload of the DC Circuit is lower now than it was back in 2005. In order to have a statistic that supports their judgment, the other side is claiming there were 11 active judges for that 12-month period, while that claim was true for only a total of 1 day.

The bottom line is this: The objective data clearly indicates the DC Circuit caseload is very low and that the court does not need additional active judges. That is especially true if you use the standard Senate Democrats established when they blocked Mr. Keisler.

In addition to the raw numbers, in order to get a firsthand account, several months ago I invited the current judges of that court to provide a candid assessment of their caseload. What they said should not surprise anyone who has looked at this closely. The judges themselves confirmed that the workload on the DC Circuit is exceptionally low, stating, "The court does not need additional judges." And, "If any more judges were added now, there wouldn't be enough work to go around."

Those are powerful statements from the sitting judges in that circuit. Given these concerns, it is difficult to see why we would be moving forward with additional nominations, especially in a time when we are operating under budget constraints. Unfortunately, the justification for moving forward with additional DC Circuit nominees appears to be a desire and an intent to stack the court in order to determine the outcome of cases this court hears.

It is clear the President wants to fill this court with ideological allies for the purposes of reversing certain policy outcomes. This is not just my view. It has been overtly stated as an objective of this administration.

I would quote along this line a Washington Post article, "Giving liberals a greater say on the D.C. Circuit is important for Obama as he looks for ways to circumvent the Republican-led House and a polarized Senate on a number of policy fronts through executive order and other administrative procedures."

We have a President who says: If Congress will not, I will. How do you stop that? The courts are the check on that. Even a member of the Democratic leadership admitted on the Senate floor that the reason they need to fill

these seats was because, as he saw it, the DC Circuit was "wreaking havoc with the country."

This is perplexing, given the current makeup of the court. Currently, there are four Republican-appointed judges, and, with the most recent confirmation, there are now four Democratic-appointed judges. Apparently some on the other side want to make sure they get a favorable outcome of this court.

I have concerns regarding filling seats on this court which clearly has a very low caseload. I have greater concerns about this President's agenda to stack the court and to upset the current makeup simply in order to obtain favorable judicial outcomes because: If Congress will not, I will.

Given the overwhelming lack of a need to fill these seats based upon caseload and especially considering the cost to the taxpayers of over \$1 million per judge per year, I cannot support this nomination and urge my colleagues to reject it as well.

I yield the floor.

Mr. HATCH. Mr. President, since I was first elected, the Senate has considered more than 1700 nominations to Article III federal courts. In nearly every case, the focus was on the individual nominee and whether he or she was qualified for judicial service. The nominee before us today is one of the rare exceptions. The focus here is on the court to which she and two others have been nominated, the US Court of Appeals for the DC Circuit. I cannot support any of these nominees because no one, no matter who they are and no matter what their qualifications, should be appointed to this court at this time.

It would be difficult to make a more compelling case that the DC Circuit needs no more judges. The Administrative Office of the U.S. Courts is the keeper of the caseload facts and ranks the DC Circuit last among all circuits in appeals filed and appeals terminated per judicial panel. In fact, the AO ranks the DC Circuit last even in the catch-all category of "other caseload per judgeship." And Chief DC Circuit Judge Merrick Garland recently confirmed that the number of DC Circuit cases scheduled for oral argument has declined by almost 20 percent in the last decade.

Here is another way to look at this issue. In July 2006, Democrats on the Judiciary Committee signed a letter to then-Chairman Arlen Specter opposing more DC Circuit appointments for two reasons. First, they used specific caseload benchmarks to conclude that the court's caseload had declined. Second, they said that filling vacancies labeled judicial emergencies by the Judicial Conference was more important.

I am not aware that my Democratic colleagues on the Judiciary Committee have said either that they used the wrong standard in 2006 or that their 2006 standard should not be used today. I do not want to accuse anyone of using different standards for nominees of dif-

ferent political parties, so it is fair to apply the same standard that Democrats used to oppose Republican DC Circuit nominees.

Democrats opposed more DC Circuit nominees because total appeals filed had declined. According to the AO's most recent data, total appeals filed have declined 18 percent further since 2006. Democrats opposed more DC Circuit nominees because written decisions per active judge had declined. The AO's data show that written decisions per active judge have declined 27 percent further since 2006. Democrats opposed more DC Circuit nominees because there were nominees to only 60 percent of the 20 existing judicial emergency vacancies. Today, the Senate has pending nominees to only 49 percent of the 37 current judicial emergency vacancies. These are the facts. New appeals filed and written decisions per active judge in the DC Circuit are both 76 percent below the national average and 50 to 60 percent below the next busiest circuit.

I hope that my colleagues get the point. No matter how you slice it or dice it, the DC Circuit has the lowest caseload of any circuit in the country and its caseload continues to decline. The very same standards that Democrats used to oppose Republican nominees to the DC Circuit in 2006 show conclusively that the court needs no more judges today. As I said, none of my Democratic colleagues—and 4 who signed that 2006 letter are on the Judiciary Committee today—have said they were wrong in 2006 or attempted to explain why their 2006 standard is inappropriate today.

The Senate evaluates the vast majority of judicial nominees on their own merits. These current DC Circuit nominees are the rare exception because they have been chosen for a court that needs no more judges at all. The better course would be to enact S. 699, the Court Efficiency Act, which would move two of these unnecessary DC Circuit seats to circuits that need them.

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.

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

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

CONGRATULATING THE BOSTON RED SOX

Ms. WARREN. Mr. President, before I start, I want to recognize the Boston Red Sox team for an outstanding historic season and to congratulate Red Sox Nation on their third World Series Championship in 10 years. Go Sox.

The Red Sox mean so much to the Commonwealth of Massachusetts and to our communities throughout New England, particularly this year. They have been a symbol of Boston's strength and resilience. From their historic one-season turnaround to their

win in front of the Fenway faithful for the first time since 1918, to their scruffy beards, this team will be remembered forever for its heart and for its success. Like all of us in Massachusetts, they have shown what it means to be Boston strong.

I also want to congratulate the St. Louis Cardinals on their 97-win season and their extraordinary achievement for winning 4 pennants in 10 years. Really amazing.

I am honored every day to represent the people of Massachusetts and the values we stand for. I am especially proud to congratulate the Red Sox today.

Mr. President, I rise today to speak in support of Congressman MEL WATT's nomination to serve as the Director of the Federal Housing Finance Agency.

In many areas of Massachusetts and around the country, housing markets have recovered, but in too many other areas the housing market is plagued by underwater mortgages and foreclosures. A wounded housing market continues to drag down our economy and it leaves millions of families struggling to rebuild economic security.

One of the people who can make an important difference in helping the housing market back to full health is the Director of FHFA. The FHFA oversees Fannie Mae and Freddie Mac. Between them, Fannie Mae and Freddie Mac back the vast majority of mortgages in the country, which means right now the FHFA has enormous influence over the American housing market.

The FHFA has the tools to help homeowners who continue to struggle following the 2008 financial crisis. It has the tools to help accelerate our economic recovery. For 4 years now, the FHFA has been led by an acting director. The time has come for some permanence and for some certainty. It is time for the FHFA to have a director, and Congressman MEL WATT is the right man for the job.

He has decades of relevant experience. He spent 22 years as a practicing lawyer, working with middle-income and lower income families on real estate closings and other housing issues. He then spent the next 21 years in Congress as a member of the House Financial Services Committee where he dealt firsthand with housing finance as a policymaker.

When it comes to housing, Congressman WATT has seen it all. Congressman WATT has shown good judgment throughout it all. Several years before the housing market collapse in 2008, Congressman WATT introduced the Prohibit Predatory Lending Act in an effort to stop mortgage lenders from taking advantage of homebuyers. The act would have helped Congress address the underlying cause of the financial crisis by making it harder for lenders to push families toward mortgages they could not repay and too often did not understand.

After that crisis hit, MEL built on his earlier legislation to craft laws that re-

duced risky mortgage lending and gave homeowners additional protection. Congressman WATT has worked hard to level the playing field for consumers. But he is no ideologue. I have worked with him for many years now. I have seen firsthand that he is a thoughtful policymaker. He can see problems coming, and when he does he seeks common ground and works hard to develop real solutions.

As Congress looks at ways to fix Freddie and Fannie to steady the housing market, Congressman WATT's practical approach is exactly what FHFA needs. The people who know him best, the Senators from his home State of North Carolina, the business leaders in his congressional district in Charlotte, support his nomination without reservation.

So what I want to know is this: Why would anyone in Congress try to block MEL from receiving a simple up-or-down vote? Why would they not want strong leadership in an agency that has been thrust into such a critical role in the economy? It does not make sense, not to the people who know MEL and not to the people who want to put this economy back on track.

MEL's work will help restore the housing market, help lift the economy, and most of all, help strengthen America's families.

It is time for obstruction for obstruction's sake to end, and it is time for the Senate to move forward with an up-or-down vote to confirm Congressman WATT so that he can get to work at the FHFA serving the American people.

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.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF PATRICIA ANN MILLETT TO THE DC CIRCUIT COURT OF APPEALS

Mrs. FEINSTEIN. Mr. President, I rise to say a few words about the appointment of Patricia Millett to the DC Circuit. The DC Circuit is an 11-member appellate court that hears some of the greatest and most serious administrative appeals in this country. Most of them are complicated, somewhat convoluted, and they do take serious expertise.

The court is an 11-member court. It currently has eight members. Three of the eight are women, and there are three vacancies on the court. Patricia Millett has been nominated by the President to fill one of those vacancies. What is interesting about this debate is that no one questions her qualifications or her temperament. She graduated *summa cum laude* from the University of Illinois in 1985 and *magna cum laude* from Harvard Law School in 1988. Even Senator CRUZ from Texas

has pointed out how superbly qualified she is. Yet there is a good chance that there will not be the votes to allow us to proceed to a vote on her qualifications and therefore confirm the nomination.

I wish to state some of her qualifications. She clerked for Judge Thomas Tang on the Ninth Circuit in Phoenix, AZ, for 2 years. She worked in the Solicitor General's office for 11 years, in the Justice Department's civil Appellate Section for 4 years. She leads the Supreme Court and appellate practice at the law firm Akin Gump. She has argued 32 cases in the Supreme Court, placing her in the top 10 of all attorneys from 2000 to 2012. She has also argued dozens of cases in other appellate courts.

She is known as a superb appellate lawyer. She is known as someone with sterling qualifications, and she has received the unanimous rating of "well qualified" from the ABA—the highest rating the ABA gives. She has received numerous awards from the Department of Justice and strong support across the aisle, including from all three Solicitors General who served in the Bush administration. She is not only an outstanding lawyer, she is also an exceptional person with a work ethic, a morality, and a history of faithful service that is truly admirable.

She is the mother of two children, David and Elizabeth. She earned a black belt in Tae Kwon Do after taking classes with her husband and their children. I am not sure how important that is, but I assume she is physically very fit.

She is a military spouse. Her husband Bob served in the Navy and the Navy Reserve until his retirement in 2012, and he was deployed to Kuwait in 2004.

Anyone who has read the Bars and Stripes article on her cannot but look at this woman and say she is the model American woman. Yet we may not even be able to vote on her today.

During that time, Patricia was also one of so many military spouses who shouldered the burden of parenting while her husband was overseas. She understands the sacrifices military families make to keep our country safe. "Pattie did the job of two parents while Bob was away. . . . During Bob's nine-month deployment [to Kuwait], Pattie was still working at the Solicitor General's office and handling a heavy Supreme Court caseload," which is very special if one thinks about what it means. "She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties." According to this article, Tom Goldstein, a distinguished appellate practitioner and the founder of the popular *scotus* Web site, said "Through it all, he never saw Pattie complain about these sacrifices for her country."

She has also made a long-time commitment to work on behalf of the homeless. The Bars and Stripes article says:

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters and individuals that Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries . . . to make sure the shelters have fresh produce.

Judge Thomas Ambro of the Third Circuit Court of Appeals said it best:

Pattie is a really good human being. And, as everyone knows, she's in the first rank of appellate practitioners in this country. She combines talent, hard work, judgment, and focus; she's the complete package.

The question is, Why is there opposition to this nomination? Some on the Republican side have said the DC Circuit, which today has eight judges and three vacancies, doesn't need any new judges. They said President Obama is trying to pack the court. I disagree. Only 7 or 8 years ago my Republican colleagues were arguing to confirm President Bush's nominees to fill vacancies on the 9th seat, the 10th seat, and the 11th seat on the DC Circuit. They even threatened to invoke the nuclear option to fill these seats. The caseload isn't much different than it was then. In fact, it is greater in some measures today. The number of pending appeals per active judge on the DC Circuit is greater than the number when all four of President Bush's DC Circuit nominees were confirmed. In addition, while the raw filings per active judge are lower on the DC Circuit than some other circuits, there is good reason for that. The DC Circuit's caseload is different because of the substantial docket of complex administrative agency appeals.

In fact, statistics published by the Judicial Conference of the United States show that—without counting immigration appeals—43 percent of DC Circuit cases were administrative appeals. The average in all other circuits combined is only 1.7 percent. That is a huge difference.

If you look at the published opinions from the first six months of this year, the DC Circuit's published cases took just as long—and in many cases longer—than did the published decisions of many other circuits. The median time from filing to disposition is 11.8 months—28 percent above average among the circuits.

And, many of those DC Circuit cases involved highly complex administrative appeals with important questions of Federal law and regulation.

Chief Justice Roberts wrote about this in a 2006 law review article called *What Makes the DC Circuit Different?* He cited the Court's jurisdiction to review decisions of numerous important agencies, such as the FCC, the EPA, the NLRB, the FTC, and the FAA. And he wrote: "Whatever combination of letters you can put together, it is likely that jurisdiction to review that agency's decision is vested in the Circuit."

And, as former DC Circuit Judge Patricia Wald wrote in the *Washington Post*, "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."

So, the caseload does support the confirmation of new judges to the DC Circuit.

I would also like to take a moment to address this notion of "court packing," a term that originated with a plan by President Franklin Roosevelt to authorize new seats on the Supreme Court when he was not getting decisions he favored.

This is not about creating new seats. This is about filling seats that exist, seats that have been authorized by Congress for many years, seats that the Judicial Conference continues to recommend be filled, and seats that my Republican colleagues pushed to fill not so many years ago. This is not "court packing."

Now, I remember how the DC Circuit looked after President Bush's last appointee was confirmed in 2006. The Court had seven Republican appointees and three Democratic appointees. Other circuits were similarly lopsided as well. Some might see that as packing the courts.

But I do not see it that way. A President must do his or her job making nominations to ensure that the judicial business of the American people gets done over time, long after that President leaves office. That is how our system works.

I supported two of President Bush's DC Circuit nominees, John Roberts and Thomas Griffith, and I supported cloture on a third, Brett Kavanaugh. I supported other controversial Bush circuit court nominees, sometimes to the chagrin of many on my own side. I did so because I believed those nominees were qualified and could be fair. I believe very deeply that the judiciary is too important to play partisan games with. That is exactly what is going on. Why should I continue, as a member of the Judiciary Committee with the second most seniority, when the administration changes, to step out and support any new Republican's nominees? I have done it in the past. I hoped to break this deadlock of partisanship. I had hoped we could vote when a nominee is qualified regardless of party. This nominee, if a motion to close off debate is not granted, shows me that the atmosphere is such that this can never be the case and that I, as someone on the Judiciary Committee who has been willing to cross party lines to vote for a qualified nominee, should cease and desist in this regard. That is the message of this nominee to me.

Think of this woman and her history: Army wife, mother of two, appellate lawyer, Solicitor General's office, and the tenth greatest number of Supreme Court appearances in the last 12 years. She is going to be denied, and no one has cast any blemish on her academic

ability or her moral ethic. So the only thing I am left with is intense partisanship.

Please, let there be some Republicans who want to change the nature of this place and begin that change with the recognition that we have a superior woman. In a country where the majority of people are women, the number of women on this court is in the minority, and there is a need for bright, informed, legal talent. This woman is one of them. I hope she will survive cloture.

I ask unanimous consent that the article from *Bars and Stripes* be printed in the *RECORD*.

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

[From *Bars and Stripes*, Oct. 21, 2013]

FAITH & FAMILY: THE CENTER OF A MILITARY SPOUSE DC CIRCUIT NOMINEE

(By Reda Hicks)

Patricia Millett (Pattie to her friends) is the complete package. From the beginning of her career, Pattie had all the markings of a legal rock star. Top of her classes at University of Illinois at Urbana-Champaign and Harvard Law School. Prestigious clerkship for the Ninth Circuit Court of Appeals. Appellate staff of the Department of Justice Civil Division. Assistant to the Solicitor General, serving equal time under Presidents Bush and Clinton. Head of Akin Gump's Supreme Court practice. More than 30 cases argued before the Supreme Court. Sky-high stack of professional accolades. "Unanimously Well Qualified" ABA Rating. Seven Solicitors General support her nomination to the D.C. Circuit.

But somewhere in that rocket-propelled career, Pattie fell in love with a Sailor. And became a mom. And earned a black belt. All while living a genuine, intentional, faith-based life of success. And these qualities and experiences, even more than her legal fame, are what make her the complete package.

Her long-time friend and fellow appellate attorney Tom Goldstein knows that all too well: "Pattie is an outstanding talent, an incredibly hard worker, and the best legal writer I have ever had the good fortune to work with. But her success comes from a complete commitment to a core set of values, to family, God, and country that really drive all of her decisions."

Pattie met Bob King in 1995, in Washington, D.C., while he was serving at the Pentagon in the U.S. Navy. They met at a Washington Street United Methodist Church singles event Bob reluctantly attended at the urging of his roommate. Bob knew right away that Pattie was the one; he felt like they had been together forever because their core values were so in step from the very beginning. Bob and Pattie were married a year later in June 1996, in the same church where they had first met.

Three years later, when it looked like Bob's next assignment would send him far from Pattie, they made the decision that Bob would transition to the Navy Reserves, where he served until his retirement in 2012. Commitment to family is a top priority for Bob and Pattie, who work together to make their children David and Elizabeth the center of their lives.

Like so many other military spouses, Pattie did the job of two parents while Bob was away on reserve duty, and eventually in 2004 he was called on to deploy. "It was really hard for her, working sixty hour weeks and keeping our family together in my absence

with a three-year-old and six-year-old to handle at home," he says. "But she did an amazing job!"

During Bob's nine-month deployment, Pattie was still working at the Solicitor General's office and handled a heavy Supreme Court caseload. She argued one Supreme Court case and briefed five more while juggling her solo-parenting duties. Tom Goldstein says through it all, he never saw Pattie complain about these sacrifices for her country.

"She was proud of Bob's service, and was completely committed to her family as her first priority," Pattie might have made it look easy, but her associate Hyland Hunt knows differently. Hyland, also a military spouse, has been working with Pattie at Akin Gump for two years.

"Pattie has been a tremendous encouragement to me," says Hyland. "Other things pulling at us can sometimes make it very hard to focus on work, but watching Pattie helps me know that it can be done." But it doesn't just happen. "If Pattie has taught me anything, it's that you have to live intentionally in each part of your life."

Pattie served as a mentor for Hyland on the law, but has also been a sounding board as she navigates the difficult choices military spouses have to make when balancing career and a spouse's military service. Helping others is a practice familiar to those who know her, as Pattie is held in high esteem as much for being a good person as for being a good lawyer.

"Pattie is a really good human being," says Judge Thomas Ambro of the Third Circuit Court of Appeals. "And, as everyone knows, she's in the first rank of appellate practitioners in this country." Judge Ambro met Pattie in 2000, when a friend suggested she would make a good addition to an appellate panel he was working on. The success of the first panel led to many more, and Pattie now speaks to Judge Ambro's Georgetown undergraduates each year about how to manage all of the things tugging at their time and balance. It's a message that really resonates with them.

"[She] combines talent, hard work, judgment, and focus; she's the complete package," Judge Ambro notes. "And she does it all without being nasty."

"The thing that amazes me, knowing how much stress she is under, is that she is incredibly kind and unfailingly humble and gracious," says associate Hyland Hunt. "You never hear her snap at opposing counsel. She keeps an equanimity that is remarkable."

For Pattie, this kindness goes hand in hand with her and Bob's core principles. From that first fateful day when Bob and Pattie met at Washington Street United Methodist, they have been committed to putting service and faith at the center of their family.

"We firmly believe that we are here to serve," Bob says, "and we are very intentional about teaching that to our children." Today, the whole family is involved in various ministries. David worked on the Highland Support Project in Guatemala, bringing running water to remote areas. Elizabeth's service started when she raised \$1,800 selling lemonade to raise money for children living in a garbage dump in Cambodia. And both kids have been on mission trips to West Virginia, where they worked with the Jeremiah Project to help repair and rebuild low-income housing. Next summer, says Bob, they are very excited to be going on a mission trip together for the first time, working with the White Mountain Apache Tribe in Ft. Apache, Arizona.

The project most near and dear to Pattie's heart is Mondloch House, a group of homeless shelters for families and individuals that

Pattie has been involved with for many years. Each week, Pattie coordinates fruit and vegetable deliveries, organizing volunteers for pick-ups and drop-offs to make sure the shelters have fresh produce to serve. Hyland Hunt says Pattie's family has a well-known tradition of serving dinners together at one of the homes, called Hypothermia Shelter.

Pattie, Bob, and the kids love to do things together. In fact, Bob says spending time, all four of them together, is Pattie's favorite thing to do. That's why, many years ago when their daughter joined her older brother in taekwondo lessons, Bob and Pattie decided to start taking lessons, too.

"We wanted something to do together that was active," says Bob. "It is a fun family activity, but it also teaches each of us basic self-defense skills, which are very important." Now, all four of them are black belts; in fact, Pattie is a second degree black belt, surpassing her husband and nearly catching up to her son David's third degree belt.

Pattie's colleagues say unequivocally that her passion for the law takes a backseat to her husband and their two children. Maintaining balance between family and a demanding legal field is probably also one of her greatest career challenges. But she has a champion in her biggest fan, her husband.

"Seventeen years is no short amount of time, but I have loved every minute with her," he says. "She still amazes me with how she can juggle everything and keep her sanity."

From her very first Supreme Court argument, Bob wanted to be in the gallery cheering Pattie on. But Pattie refused. "I don't want you to see me crash and burn!" she would say, although Bob knew that she certainly would not.

It took Bob five years to convince Pattie to let him come watch her argue, and when she finally agreed, Bob was blown away. Now, Bob goes to watch her every chance he gets. "I've seen four or five arguments now, and I'm just amazed every time because you have to be so fast on your feet! I could never do that. She's one of the best! I know I'm not objective on that, but it's true!"

Watching Pattie before the Supreme Court, Bob says it is clear she has earned the respect of the Justices. "They know what they will get when Pattie comes before them, because she is always prepared." That might be an understatement.

Before an argument, Pattie spends weeks studying the record, going through moot court arguments until she knows her case inside and out. Tom Goldstein calls Pattie a "ferocious preparer, committed to leaving no stone unturned, and thinking of every possible nuance and counter argument to the counter argument." Says Hyland Hunt, "It always amazes me how she can digest and know the record," but Pattie's is the kind of knowledge that comes from plain and simple diligence.

Pattie's hard work, focus, and tenacity have made her a great advocate. Her kindness, wisdom and graciousness have made her a highly respected professional. But her strong center, built on family, faith, and service make her the complete package.

Military spouses forging their own careers can learn a lot from Pattie's example. Whatever our professional pursuits, true success starts at the core; build a strong one, then hold on to it tightly.

Mrs. FEINSTEIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I will be opposing closure on the nominations of Melvin Watt to be the Director of the Federal Housing Finance Agency and Patricia

Millett to be a U.S. circuit court judge for the District of Columbia Circuit. I do so because I believe that neither candidate should be affirmed by the Senate at this time.

I have been privileged many times to be a part of groups of Senators who were able to come together and negotiate agreements to end the gridlock surrounding nominees, avert the nuclear option, and allow the Senate to move forward with our work on behalf of the American people. My work in these groups—often referred to as "gangs"—has won me both praise and condemnation and has often put me at odds with my party.

In 2005 when the Republicans were in the majority and we were about to exercise a nuclear option on President Bush's judicial nominees who were being filibustered by the other side that was in the minority, part of the agreement addressed future nominees, an agreement which has held all these years. I quote from the agreement:

Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

As to both of the nominees we are considering today, I find and it is my judgment as a Senator that extraordinary conditions exist. The agreements I have entered into, including to begin on the motion to proceed, including last July on the NLRB nominations, have all included preserving the right of individual Senators to exercise their rights.

If we go to the nuclear option—which I understand some of my colleagues are now frustrated to the point where they would like to—meaning that 51 votes will now determine either nominees or other rules of the Senate, we will destroy the very fabric of the Senate; that is, that it requires a larger than numerical majority in order to govern.

I understand the frustration of my colleagues on the other side of the aisle. It is interesting that well over half of my colleagues in the Senate have been here less than 6 or 7 years. The majority of my friends on the other side have not been in the minority. The majority of my colleagues on this side have not been in the majority. I have been in both. When this side was in the majority, I watched how out of frustration we wanted to curtail the 60-vote criteria and go to 51 because we were frustrated over the appointment of judges. That was back in 2005. I watched my colleagues on the other side want to go to 51 votes because of their frustration over the motion to proceed. I have watched and understand the frustration the majority feels because they feel it is their obligation to make this body function efficiently.

The truth is, this body does not function efficiently nor was it particularly designed to. Is there more gridlock

than there used to be? In many respects, yes. And I believe with all my heart that what we just did to the American people in the shutdown of the government may motivate colleagues of mine on this side as well as the other side not to do this kind of thing again. Our approval rating with the American people has sunk to all-time lows and they are going to see another expression of gridlock when we take these votes today. But the cure is going to have repercussions for generations to come in this body.

There is no reason to have a House and Senate if we go to a simple 51-vote rule in this body. My colleagues should understand that someday—someday—this side of the aisle will be in the majority and this side of the aisle will feel frustration, as we did once before when we were in the majority because of blockage from the other side of the aisle.

I urge patience on the part of the majority leader. I urge patience on the part of my colleagues on the other side of the aisle. Most of all I urge the kind of comity between leadership on both sides and individuals on both sides.

I see the Senator from Virginia is here, and he has been one who has worked very hard to engender that in this body. Can't we work some of these things out without having a showdown on this floor every single time?

This dispute won't affect the American people. What we just did in the shutdown certainly injured the lives and well-being of millions of innocent Americans. Maybe we have learned from that, but I urge my colleagues to understand the votes being taken on these two issues are in keeping with the agreement I joined in with 13 of my colleagues, Republican and Democrat, back in 2005. That agreement stated that "signatories"—those who made the agreement—"will exercise their responsibilities under the advice and consent clause of the United States Constitution in good faith."

In good faith. I am acting, with my vote, in good faith.

I see my friend the majority leader on the floor of the Senate, and I hope he understands this action is being taken in good faith. But I also understand the frustration my friend the majority leader feels. So I urge my colleagues, when we get through this, to sit down, have some more conversations and negotiations so we can avoid this kind of cliff experience which has earned us the strong, profound, and well-justified disapproval of the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, very briefly, I want to respond to my friend from Arizona.

I have worked with the senior Senator from Arizona on many things over these many years we have been in Congress together, and I heard what he said. I appreciate his suggesting we

have a conversation about what is going to happen in the next couple of days and I am always willing to do that.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I also to want speak to the judicial nomination, but I want to first respond as well to the Senator from Arizona. Let me first of all say there are few people in this body I have more respect for, and there are few people in this body who have time and again shown the political courage he has to put country ahead of party. I share a lot of his views. It is odd, but I feel sometimes that I work in the only place in America where being a gang member is considered a good thing.

I have not served here during these times when my party was in the minority, and intellectually I understand Senator MCCAIN's point, but I guess what I can't understand and what I can't explain to the folks all across Virginia when they ask me: Why can't you guys get anything done, is that on any historical basis, looking at the number of times these procedures have been used in the past—and clearly they have been used by both parties—it seems at some point, while the rights of the minority need to be protected, there has to be some level of common agreement for not exercising these tools to the extent they have been so that this institution becomes so dysfunctional we allow ourselves to do something that in my tenure both in public and private life was never as stupid as what we did during the first 3 weeks of October.

So I do appreciate the Senator's comments. And although I now want to speak to the extraordinary qualifications of Patricia Millett, someone from Virginia, I wanted to state that I believe in the Senator's good faith and I also hope we can avoid the kind of further breakdown that would further disappoint the American people. I thank him for his comments.

I do want to take a couple of moments to talk about something other Senators have come out to speak on, and that is the nomination the President has made of a fellow Virginian, Patricia Millett, to be part of the U.S. Court of Appeals for the DC Circuit.

I have had the opportunity as Governor to appoint people to the bench, and I took that responsibility very seriously in terms of reviewing the qualifications of the candidates. I had the opportunity as a Senator to recommend individuals to the courts for the President's consideration, and I can't think of a candidate who brings more qualifications, more evidence of bipartisan support, more deserving of appointment, than Patricia Millett.

We all know the DC Circuit plays an incredibly important role in our judicial system. We also know the court currently has 3 of its 11 seats vacant. I recognize that in the past this court has been the focus of some debate and

discussion, but the idea that we are going to somehow change the rules midstream seems inappropriate. If there is a legislative reason why we should change the DC Circuit Court from 11 to some fewer number of judges, that ought to be fully debated, but we should not hold up the confirmation of an individual whose credentials I believe are impeccable.

Ms. Millett currently chairs the Supreme Court practice at Akin Gump. She went to the University of Illinois and Harvard Law School. She clerked on the U.S. Court of Appeals for the Ninth Circuit, and she worked on the appellate staff of the civil division of the U.S. Department of Justice.

She has spent over a decade in the U.S. Solicitor General's office, serving both Democratic and Republican administrations. During her time there she was awarded the Attorney General's Distinguished Service Award, and as has been mentioned by my other colleagues, during her career she has argued 32 times before the Supreme Court, which until recently was the highest number of cases argued by any woman in our history.

What is also remarkable—and the Senator from Arizona mentioned we need to move past some of these partisan divisions—is that this is an individual who is supported by both Democrats and Republicans.

I ask unanimous consent to have printed in the RECORD a letter indicating that support.

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

JULY 3, 2013.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We are former Solicitors General of the United States, and we write in support of the nomination of Patricia Millett for a seat on the United States Court of Appeals for the District of Columbia Circuit. Each of us has substantial first-hand knowledge of Ms. Millett's professional skills and personal integrity. It is our uniform view that she is supremely qualified for this important position.

Ms. Millett served for 15 years in the United States Department of Justice—first as an appellate attorney in the Civil Division during the George H. W. Bush Administration and then for 11 years in the Solicitor General's office, during the Clinton and George W. Bush Administrations. Since leaving the Department, she has co-led and then led the Supreme Court practice at Akin Gump. Over the course of her distinguished career, Ms. Millett has argued 32 cases in the Supreme Court and many more in the courts of appeals—in matters that span a broad range of federal-law issues, from constitutional challenges to administrative review, statutory-interpretation disputes, and commercial and criminal law questions. With deep experience in both private and government practice, she will bring an appreciation of both sides of the many important disputes before the District of Columbia Circuit.

Within the Bar, Ms. Millett has been a leader among her peers, and a mentor to many other lawyers, through her teaching visits to law schools and her work with a number of professional associations, including the Coke Appellate Inn of Court, the Supreme Court Institute, and the Opperman Institute for Judicial Administration.

Ms. Millett has a brilliant mind, a gift for clear, persuasive writing, and a genuine zeal for the rule of law. Equally important, she is unfailingly fair-minded.

We understand there is an ongoing debate about the optimal number of active judges for the District of Columbia Circuit, and this letter takes no position on that issue. But if additional judges are to be confirmed, we think Ms. Millett's qualifications and character make her ideally suited for a position on that distinguished Court. Please do not hesitate to contact any of us if you have any questions.

Sincerely,

KENNETH W. STARR,
(Solicitor General,
1989–1993).

DREW S. DAYS III,
(Solicitor General,
1993–1996).

WALTER E. DELLINGER,
(Acting Solicitor General,
1996–1997).

SETH P. WAXMAN,
(Solicitor General,
1997–2001).

THEODORE B. OLSON,
(Solicitor General,
2001–2004).

PAUL D. CLEMENT,
(Solicitor General,
2005–2008).

GREGORY G. GARRE,
(Solicitor General,
2008–2009).

Mr. WARNER. Ms. Millett served seven former Solicitors General from all ends of the political spectrum. In the letter I just referred to, her nomination is supported by Democrats such as Walter Dellinger as well as Republicans such as Ted Olson and Ken Starr.

She has also been recognized by the National Law Journal as one of the hundred most influential lawyers in America, and has received the endorsement of the American Bar Association.

As mentioned by the Senator from California already, she has a remarkable personal story as well. She is active in our community in Virginia, she is a resident, and actually attends church in my home city of Alexandria. We saw earlier the picture of her and her husband, and as was mentioned before a picture is worth a thousand words. Her husband was deployed a number of times as a naval reservist in Operation Iraqi Freedom, and earlier this month the Military Spouse J.D. Network recognized Ms. Millett for her professional service and for her service as a spouse of an Active-Duty participant.

So this incredible lawyer, this incredible community servant, this individual who has the support of both Republicans and Democrats, should not be denied her appointment to the DC Circuit.

Again, I have not been here when we were in the minority, but as has been mentioned time and again, when John

Roberts—who is now, obviously, our Supreme Court Chief Justice—was nominated for the DC Circuit, he was confirmed unanimously. Even though many Democrats did not share his judicial views, they viewed his qualifications as impeccable.

I heard constantly the same from my colleagues on the other side, that this is not a question of Ms. Millett's qualifications. Why should this individual be denied her appropriate representation on the DC Court of Appeals? So I hope, my colleagues, that we can avoid further threats and counterthreats. Let's vote this individual based upon her qualifications. On any indication of qualifications, Patricia Millett is ably qualified, uniquely qualified to serve on the DC Circuit Court of Appeals, and I urge my colleagues to vote for her confirmation.

I yield the floor.

Mr. KAINE. Mr. President, I strongly support the nomination of Pattie Millett, of Alexandria, VA, to the United States Court of Appeals for the DC Circuit. Ms. Millett is extremely well qualified for this position, in terms of her legal expertise, experience, character, and integrity. The Senate should invoke cloture on and confirm her nomination.

As one of the Nation's leading appellate lawyers, Ms. Millett possesses remarkable legal expertise in this area. She has litigated appellate cases extensively, including 32 arguments and many briefs before the U.S. Supreme Court, and 35 arguments spanning 12 of the Federal Circuit Courts of Appeal (including the DC Circuit). Her cases have spanned the spectrum of legal issues that the DC Circuit confronts, including constitutional law, administrative law, civil and criminal procedure, commercial disputes, national security, and civil rights. Ms. Millett also has many years of experience in the public sector, having worked in the Office of the Solicitor General for over 11 years, and in the Appellate Section, Civil Division of the Department of Justice for 4 years. It's important to note that her service to the United States was bipartisan, spanning both Democratic and Republican administrations.

Ms. Millett graduated from Harvard Law School, magna cum laude, in 1988 and she clerked for the Honorable Thomas Tang of the U.S. Circuit Court of Appeals for the Ninth Circuit for 2 years.

I believe Ms. Millett possesses the character and integrity necessary for a nomination of this caliber. She is an active member of Aldersgate United Methodist Church, where she teaches Sunday school and visits the hospitalized and home-bound. For many years she has also participated in the Hypothermia Homeless Shelter, which operates during the winter months on the Route 1 corridor in Alexandria, preparing meals.

As a military spouse, Ms. Millett and her family have also sacrificed for our

Nation. Ms. Millett's husband was deployed during Operation Iraqi Freedom, so she brings a unique understanding of veterans' issues and the stress of deployment on soldiers and their families.

I know there have been issues raised regarding the caseload for the DC Circuit. These issues do not concern me. With respect to the size of the DC Circuit, Congress removed a seat under the Court Security Improvement Act of 2007. Today, three of the DC Circuit's eleven existing seats are vacant. And three other circuits currently have lower caseloads per active judge than the DC Circuit. Yet, just this year, the Senate confirmed nominees to two of these other circuit courts—the Eighth and Tenth Circuit.

As Governor of Virginia, I chose two members of the Supreme Court of Virginia and have thought deeply about qualities that make for a strong appellate judge. I believe Ms. Millett is superbly qualified for a position on the DC Circuit Court of Appeals. I hope the Senate invokes cloture on her nomination today, and that she is confirmed for a position on the DC Circuit.

Mrs. MURRAY. Mr. President, I wish to speak briefly about an outstanding candidate nominated to serve on the United States Court of Appeals for the District of Columbia Circuit. On June 4, 2013, President Obama nominated Patricia Millett to be a United States Circuit Judge.

Patricia's qualifications to be a United States Circuit Judge are impeccable. She is a graduate of Harvard Law School and the University of Illinois at Urbana-Champaign. Patricia practiced at Miller & Chevalier and worked as a law clerk for Judge Thomas Tang, on the Ninth Circuit Court of Appeals. Following 4 years in the appellate section of the Department of Justice's Civil Division, Patricia served as assistant to the Solicitor General for more than a decade.

After her public service, Patricia joined Akin Gump Strauss Hauer & Feld LLP, where she heads the firm's Supreme Court practice and is co-leader of its national appellate practice. She has extensive experience arguing cases before the Supreme Court—32 in all and is without question one of the Nation's leading appellate lawyers. Patricia's experience, education, and character have earned her praise from colleagues and clients alike. Following her nomination, the American Bar Association rated her unanimously well qualified to serve as a United States Circuit Judge.

Patricia is also a military spouse, having steadfastly stood by her husband's side as he served his country in uniform for 22 years. As she awaits Senate confirmation, I am proud to say Patricia's nomination is supported by Blue Star Families, by veterans, and active-duty members of the Armed Forces, who today stand with her as she prepares to serve her country once more. Their support is a testament to

Patricia's character and to the integrity with which she will serve as a federal judge.

I rise today to not only speak in strong support of Patricia's nomination, but also to decry the decision by Senate Republicans to once again play politics with President Obama's nominees and to place partisanship above all else.

I rise today because my colleagues in the minority have declared it unnecessary to fill the three vacancies on the DC Circuit, including the seat to which Patricia has been nominated. The Senate Republicans on the Judiciary Committee propose eliminating the 9th, 10th, and 11th seats on the DC Circuit, rather than confirming nominees put forward by this President. Now, of course, my Republican colleagues dispute any partisan motivation. Instead, they claim a diminished caseload on the DC Circuit simply does not warrant confirmation of President Obama's nominees. This might be a persuasive argument were it not belied by Senate Republicans' confirmation of President Bush's nominees to these same seats and by the fact that the DC Circuit caseload has been consistent over the past decade and has even increased in recent years.

In fact, when John Roberts, now Chief Justice of the Supreme Court, last held the seat Patricia would occupy, his caseload was lower than the pending caseload Patricia will encounter on her first day as a judge. Let me be clear, the fight over this confirmation has nothing to do with Patricia—instead it has everything to do with the fact that a Democrat, rather than a Republican, now controls the White House. My colleagues on the other side of the aisle are doing everything they can to prevent confirmation of this President's nominees.

Truly, the stakes are too high for this type of political gamesmanship. The DC Circuit is often called the second most important court in the United States, and for good reason. The DC Circuit handles some of the most complicated cases that enter the Federal court system, and its decisions touch the lives of Americans each and every day. From decisions affecting our clean air and water, to decisions having broad implications for labor relations, elections, and how we interpret and apply the Americans with Disabilities Act—decisions by the DC Circuit impact not only the quality of our lives today, but also our children's lives tomorrow.

Most importantly for our men and women in uniform, for our veterans, and for their families, the DC Circuit has jurisdiction over the Department of Defense and the Department of Veterans Affairs. Its decisions matter to our servicemembers, to our veterans, and to their families—which is why it is shameful that Senate Republicans would rather play politics than allow a clean up or down vote on Patricia's nomination. The American people ex-

pect more from us. They deserve more from us.

I urge my colleagues to set aside partisanship and politics and allow an up or down vote on Patricia's nomination. Through her distinguished career and public service, Patricia Millett has earned not only our admiration and respect, but our support. Join me in supporting this nominee who is eminently qualified to serve as a United States Circuit Judge.

Ms. HIRONO. Mr. President, I rise to speak in support of the nomination of Patricia Millett to be a Circuit Judge for the United States Court of Appeals for the District of Columbia Circuit.

As my colleagues have noted, Patricia Millett will bring a wealth of experience and skill to the bench. She is a nationally recognized appellate attorney. She has argued 35 cases in nearly all of the Federal appellate courts and 32 cases at the Supreme Court. Patricia Millett is unquestionably qualified to serve as a judge on the DC Circuit Court.

I am proud to serve on the Senate Armed Services and Veterans' Affairs Committees, and I have been moved by Patricia Millett's experience as part of a military family.

Her husband, Robert King, served in the Navy and as a Navy reservist until his retirement last year. In 2004, he was deployed to Kuwait as part of Operation Iraqi Freedom, and was called up again in the fall of 2009 for Afghanistan, while Patricia cared for their 2 children, maintained the household, and continued her career, arguing before the Supreme Court.

Patricia and her husband have faced what so many military families have, the difficulties of deployment, the challenges of separation and single parenting at home, and the process of reintegration when a servicemember returns. They have shown the deepest commitment to serving our Nation.

Patricia Millett will bring these important experiences and the devotion to this country unique to military families with her to the bench, a vital contribution to the DC Circuit given the distinct role it plays in adjudicating military and defense issues.

Much of Patricia's life has been devoted to public service, and her desire to serve as an appellate judge for the important DC Circuit is a reflection of that commitment to serve in the public interest. I am disappointed that our colleagues have blocked a vote to confirm Ms. Millett. I urge Senators to reconsider and support her nomination.

The PRESIDING OFFICER (Ms. BALDWIN). The majority leader.

SENATOR-ELECT CORY BOOKER

Mr. REID. Madam President, in a few minutes we are going to have the good fortune of welcoming a fine young man to be the next Senator from the State of New Jersey. I trust that serving in the Senate will be among the most rewarding experiences of his life, and he has had many of them.

I urge my fellow Senators, Democrats and Republicans, to get to know

this good man. I feel so elated that he is going to be here. Of course, I loved Frank Lautenberg. We served together for all those many years. But we are going to find that CORY BOOKER is going to be a great asset to this Nation and to the Senate.

He has had a tough time the last few months. His parents moved to Las Vegas in early August. And as things happen in life, his dad was stricken with a very violent stroke. His aunt lives there, his mom's sister. She is a retired dentist from California. I was there because of the August recess and I had the good fortune of meeting all three of them. His dad, of course, was not able to communicate and, sadly, he died not too long after that. But this was right before his election was completed, and it was very difficult for Senator-elect Booker going to Nevada, campaigning with all the national publicity he had in that election, but he, during this time of fire, did extremely well. I am very proud of him.

He had a demanding year, no doubt, with all the things he was doing and his deciding to run for the Senate. But he traveled to Nevada on various occasions, as I indicated, to be with his family and to support them. This quality he has was apparent early in life—his love of family and dedication to his parents, now especially his mom, who is going to be here today. He is not only a devoted son but a brilliant scholar and a dedicated public servant.

Think about this man's academic record: Stanford undergraduate, senior class president at Stanford. That fine institution also allowed him to study even more there and he earned a master's degree in sociology, which has served him well in the work he has done. His having this advanced degree in sociology helped him in his work with the people of the State of New Jersey and the city of Newark. But with him, one Stanford degree wasn't enough; he got two. And then, if that weren't enough—and it wasn't—he was chosen to be a Rhodes scholar and then got another advanced degree at Oxford.

If that wasn't enough, he went to Yale Law School. This is quite a record. He has been a city councilman and mayor for more than a decade. He has lived with his constituents and kept in touch with them like no mayor with whom I have ever come in contact. We are so fortunate to have him here. He has been with his constituents in the inner city of Newark. I commend him for his dedicated service to the people of New Jersey and the people of Newark.

Part of his job was to highlight the difficulties of working poor families, and he did that and he did it very well. He has done everything he can to highlight to everyone who would listen to him and watch him to indicate that many Newark residents are struggling to know where their next meal will come from. At a time in the history of this country when we have so many people needing so much, where the rich