

NOMINATION OF CORNELIA T. L. PILLARD TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

Mr. REID. I now move to proceed to reconsider the vote by which cloture was not invoked on the Pillard nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. THUNE. 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. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 253 Ex.]

YEAS—54

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden

NAYS—44

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hooven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Corker	Toomey
Cornyn	Cornyn	Manchin
Crapo	McCain	Vitter
Enzi	McConnell	Wicker

NOT VOTING—2

Cruz Kirk

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider the vote by which cloture was not invoked on the Pillard nomination.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. SESSIONS. Mr. President, 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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 254 Ex.]

YEAS—54

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Mikulski	Whitehouse
Gillibrand	Murphy	Wyden

NAYS—44

Alexander	Fischer	Moran
Ayotte	Flake	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hooven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Johnson (WI)	Thune
Corker	Lee	Toomey
Cornyn	Manchin	Vitter
Crapo	McCain	Wicker
Enzi	McConnell	

NOT VOTING—2

Cruz Kirk

The motion was agreed to.

Mr. LEAHY. Mr. President, today, for the second time in a month, we are debating whether to allow a confirmation vote on the nomination of Nina Pillard to the U.S. Court of Appeals for the DC Circuit. Yesterday, we were finally able to vote on the nomination of Patricia Millett after many months of being filibustered by Senate Republicans. I am glad we are making more progress today on another exceptional nominee.

The DC Circuit is often considered to be the second most important court in the Nation and should be operating at full strength. Today we will take a step towards making this court operate at full strength for the American people.

In late November, a bipartisan majority of Senators voted in favor of moving to an up-or-down vote on Nina Pillard's nomination, but we fell short by three votes. The same efforts to remove the Republican blockade of this President's nominees to fill vacancies on the DC Circuit that allowed the Senate to confirm Patricia Millett earlier this week will similarly allow the Senate to move forward on Nina Pillard's nomination so she can be confirmed and get to work for the American people.

Nina Pillard is an accomplished litigator whose work includes nine Supreme Court oral arguments, and briefs in more than 25 Supreme Court cases. She drafted the Federal Government's brief in *United States v. Virginia*, which after a 7-1 decision by the Supreme Court made history by opening

the Virginia Military Institute's doors to female students and expanded educational opportunity for women across the country. Since then, hundreds of women have had the opportunity to attend VMI and go on to serve our country.

Ms. Pillard has not only stood for equal opportunities for women but for men as well. In *Nevada v. Hibbs*, Ms. Pillard successfully represented a male employee of the State of Nevada who was fired when he tried to take unpaid leave under the Family Medical Leave Act to care for his sick wife. In a 6-3 opinion authored by then-Chief Justice William Rehnquist, the Supreme Court ruled for her client, recognizing that the law protects both men and women in their caregiving roles within the family.

She has also worked at the Department of Justice as the Deputy Assistant Attorney General in the Office of Legal Counsel, an office that advises on the most complex constitutional issues facing the executive branch. And prior to that, Ms. Pillard litigated numerous civil rights cases as an assistant counsel at the NAACP Legal Defense & Educational Fund. At Georgetown Law, Ms. Pillard teaches advanced courses on constitutional law and civil procedure, and co-directs the law school's Supreme Court Institute.

She has earned the American Bar Association's highest possible ranking—Unanimously Well Qualified—to serve as a Federal appellate judge on the DC Circuit. She also has significant bipartisan support. Viet Dinh, the former Assistant Attorney General for the Office of Legal Policy under President George W. Bush, has written that “Based on our long and varied professional experience together, I know that Professor Pillard is exceptionally bright, a patient and unbiased listener, and a lawyer of great judgment and unquestioned integrity . . . Nina has always been fair, reasonable, and sensible in her judgments . . . She is a fair-minded thinker with enormous respect for the law and for the limited, and essential, role of the federal appellate judge—qualities that make her well prepared to take on the work of a DC Federal Judge.”

Former FBI Director and Chief Judge of the Western District of Texas William Sessions has written that her “rare combination of experience, both defending and advising government officials, and representing individuals seeking to vindicate their rights, would be especially valuable in informing her responsibilities as a judge.”

Nina Pillard has also received letters of support from 30 former members of the U.S. Armed Forces, including 8 retired generals; 25 former Federal prosecutors and other law enforcement officials; 40 Supreme Court practitioners, including Laurence Tribe and Carter Phillips, among many others.

Despite having filled nearly half of law school classrooms for the last 20 years, women are grossly underrepresented on our Federal courts. We

need women on the Federal bench. A vote to end this filibuster is a vote to break yet another barrier and move in the historic direction of having our Federal appellate courts more accurately reflect the gender balance of the country.

I commend President Obama on his nominations of highly qualified women such as Nina Pillard, Patricia Millett, Elena Kagan and Sonia Sotomayor. In each of these women, the Senate has had the opportunity to vote to confirm women practicing at the pinnacle of the legal profession. Once the Senate confirmed Justice Kagan, the highest court in the land had more women than ever before serving on its bench. With the confirmation and appointment of Nina Pillard, the same will be true for what many consider to be the second highest court in the land, the DC Circuit, because she will be the fifth active female judge on the court. Never before have five women jurists actively served on that court at one time. I look forward to that moment and to further increasing the diversity of our federal bench.

I urge my colleagues to vote in favor of ending the filibuster on this outstanding nominee. This Nation would be better off for Nina Pillard serving as a judge on the DC Circuit.

CLOTURE MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to invoke cloture on the Pillard nomination, upon reconsideration.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, John D. Rockefeller IV, Benjamin L. Cardin, Jon Tester, Sheldon Whitehouse, Mark R. Warner, Patty Murray, Mazie K. Hirono, Angus S. King, Jr., Barbara Boxer, Jeanne Shaheen, Robert Menendez, Bill Nelson, Debbie Stabenow, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close, upon reconsideration?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CORNYN. The following Senators are necessarily absent: the Senator

from Texas (Mr. CRUZ) and the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 255 Ex.]

YEAS—56

Baldwin	Hagan	Murray
Baucus	Harkin	Nelson
Begich	Heinrich	Pryor
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Markley	Udall (CO)
Coons	McCaskill	Udall (NM)
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	

NAYS—42

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heller	Roberts
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Lee	Toomey
Crapo	Manchin	Vitter
Enzi	McCain	Wicker

NOT VOTING—2

Cruz Kirk

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The Senator from Rhode Island.

UNANIMOUS CONSENT REQUEST—
S. 1797

Mr. REED. Mr. President, as in legislative session, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1797, which was submitted earlier today; that the bill be read three times and passed; and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I want to reserve the right to object. I am certainly willing to let the good Senator make comments. But at this point I want to reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. HOEVEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, first of all, I think it is appropriate to make some comments. I appreciate the Senator from North Dakota being here and making his point. But we are at a junc-

ture that within 2 weeks 1.3 million Americans will lose their Federal unemployment compensation insurance.

It will be a shock to them economically and particularly since it will be just a few days after the Christmas holiday. My legislation is very simple. I am seeking to extend for an additional year the unemployment compensation program that has been in place for several years. That will allow 1.3 million Americans to have some support as they face a very difficult economy.

We have asked, as Democrats, that this UI proposal be part of the budget negotiation. Our colleagues in the House of Representatives have made the same request. It appears that will not be the case. So we have to seek a stand-alone legislative vehicle. That is why I proposed the legislation as I have done today.

What we were trying to do, with the request that was just objected to, and what we have to do within 2 weeks is pass this legislation—so the upcoming expiration does not allow us the time for the procedural process of committee deliberation and markup, et cetera. What we have to do is try to avoid a huge economic shock to 1.3 million Americans immediately. There will be more after that. But as of December 28, if you are on unemployment insurance, Federal unemployment insurance, you lose it.

In my State, that is 4,900 people celebrating New Year's Day by losing their Federal unemployment insurance benefits; for families who are struggling just to keep their heads above water in a very difficult economy—who have seen their jobs disappear, who after years of dedicated work find themselves now looking at very difficult circumstances for employment, in my home State particularly, but not my home State alone—this is a very difficult burden to bear.

So we have to act. That is why we are here this evening, to ask for immediate consideration of my legislation to extend unemployment insurance, not further review, but immediate consideration.

I think it is important to point out that the average weekly benefit is about \$300 per week. This is not a program that people are using to enrich themselves by any means. This is basically keeping the heat on, keeping some food on the table, maybe keeping the rent paid. Also, this is a program that people only qualify for after working and establishing a work history.

So for all of these reasons, we are not talking about some lavish benefit that is a windfall to Americans. This is something that can keep families together. That is why I think we have to be willing, beginning this evening, to get this program extended through next year at least.

There is another aspect to this too. Unemployment insurance is one of the best countercyclical economic programs we have when it comes to Federal fiscal policy. The nonpartisan Congressional Budget Office estimates that