

in front of James and Danielle Alexander's home to remember the couple 1 day after they were murdered.

A friend of the deceased said: "It still doesn't feel real, I still feel like they are just sitting in their house."

Another family friend said:

I don't wish this on my worst enemy, but it has happened. Now we have to look out for the kids.

That is the reality: parents gone in an instant, a brother and half brother in 1 night in New Haven, CT, two sons of a mother in Oakland dying because of gunfire within 19 days. These are the voices of the victims we are losing all across this country.

Maybe we don't have the votes to put together the big package that will provide some comprehensive approach to gun violence, but maybe between now and the end of the year we can show these families, we can show these communities that we can at least move forward a couple inches, a couple feet, to send a message that silence will no longer be interpreted in these communities as complicity.

The PRESIDING OFFICER. The Senator's time is up.

Mr. MURPHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

#### NOMINATIONS

Mr. GRASSLEY. Tonight we will be voting on the nomination of Justice Moritz, a nominee for the Tenth Circuit. During her legal career, Justice Moritz handled a wide variety of cases both in the private sector and while serving as an assistant U.S. attorney for the District of Kansas for over 9 years. She also served on the Kansas City Court of Appeals and is currently a Justice of the Kansas Supreme Court. Justice Moritz has significant appellate experience, and I expect she will be confirmed tonight.

Before we vote on that nominee, I wanted to update my colleagues on where the Senate stands in regard to judicial nominations. After tonight's vote we will have confirmed 243 of President Obama's district court and circuit court nominees. To put that in perspective, at this point in President Bush's Presidency, the Senate had confirmed 235 district and circuit court nominees, 8 less than we have approved for President Obama.

During President Obama's second term and including tonight's nominees, we will have confirmed 72 of President Obama's district and circuit court nominees. By comparison at this point in President Bush's second term, the Senate had confirmed only 32 district and circuit court nominees. So you can see a difference between 72 approvals for President Obama versus 32 approvals for President Bush in the second term. Despite this record, it seems to me that no matter how many judges we confirm, the other side, along with some confused commentators outside

of the Senate, cannot help but complain about our progress.

Last week one member from the Judiciary Committee accused Republicans of obstructing and slowing the nomination process through the President's entire term, but as I just pointed out, the Senate has confirmed more of President Obama's judges than we had at this point during President Bush's term. Another way to put it is all but two of President Obama's nominees have been approved, so that is a 99-plus percent approval. These complaints just do not ring true.

Even the Washington Post, which was never a friend of George W. Bush, now recognizes how well President Obama is doing on judges. A recent article entitled, "Obama overtakes George W. Bush on judges confirmed," noted that "the Senate has confirmed more Obama nominees to the federal branch than were confirmed at this point in Bush's second term."

The Washington Post has also conceded that President Obama's confirmation rate essentially matches that of President Bush and President Clinton.

I also heard one of my colleagues complain about the President's vacancy rate, but the reason the vacancy rate is marginally higher than during President Bush's term is because President Obama has simply had more vacancies and more work to do in filling these vacancies during his Presidency. There have been more judges retiring now than during the last administration, which obviously creates more vacancies.

As you have heard me say many times on the floor of the Senate, we cannot deal with nominees until they come to the Senate. In other words, the President has to do his work before we can do our work.

The bottom line is that we are confirming judges at the same rate. It takes time to process and review each nominee who comes before us. This is simply the way the Senate works in its role to advise and consent on judicial nominees.

It isn't just lately that the Senate has worked its will in making sure these nominees are good ones to approve. That is the way it has been done for a long period of time. In other words, we simply don't have the President submit somebody and bring it before the Senate. It takes a lot of homework to make sure that not just their qualifications but all the other evidence that comes from the White House is reviewed adequately.

So there is simply no basis to say Republicans are not giving this President fair treatment. In fact, just last week the Senate confirmed nine judges. That is the most judges confirmed in 1 week this entire Congress. In fact, we haven't confirmed nine judges in 1 week since December 2010, when we needed to vote on a Sunday to get nine judges confirmed during 1 week.

So I take this time just to remind my colleagues of the excellent work the

Senate is doing on confirmations, and of course I do it to set the record straight.

I congratulate tonight's nominee on her anticipated confirmation, a confirmation for which I will vote.

I yield the floor.

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.

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

The PRESIDING OFFICER (Mr. KAINE). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

NOMINATION OF NANCY L. MORITZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT—Resumed

NOMINATION OF PETER A. SELFRIDGE TO BE CHIEF OF PROTOCOL AND TO HAVE THE RANK OF AMBASSADOR

The PRESIDING OFFICER. 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 Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth Circuit, and Peter A. Selfridge, of Minnesota, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

#### VOTE ON MORITZ NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Moritz nomination.

Mr. LEAHY. Mr. President, today, we will vote to confirm Nancy Moritz to fill a vacancy in the U.S. Court of Appeals for the Tenth Circuit. Nancy Moritz is currently a justice on the Kansas Supreme Court, where she has been serving since 2011. She has the qualifications and has the support of her two Republican home State Senators, Mr. PAT ROBERTS and Mr. JERRY MORAN. She was also reported from the Judiciary Committee unanimously by voice vote this past January.

The Republicans continue to object to votes on all judicial nominations, even for completely noncontroversial nominees such as Justice Moritz. Closure was finally invoked on Justice Moritz's nomination last week. There is no reason her nomination should have been filibustered given the bipartisan support that she has.

In fact, Justice Moritz should and could have been confirmed last year. She was first nominated last August, but her hearing was delayed until mid-November because of the Republican shutdown of the Federal Government. Senate Republicans then refused to vote on her nomination in committee at the end of last year and her nomination was returned to the President. As a result, the President had to renominate Justice Moritz and the Judiciary Committee had to reprocess her nomination this year. When we finally confirm Justice Moritz today, her nomination will have taken more than 9 months. It should not take this long to process noncontroversial nominees.

Justice Moritz has now served on the Kansas Supreme Court for nearly 4 years. Prior to joining the Kansas Supreme Court, she was an appellate judge on the Kansas Court of Appeals from 2004 to 2011. Before becoming a judge, she spent nearly 10 years as an assistant U.S. attorney in the Kansas City and Topeka offices. From 1989 until 1995, she was an associate at Spencer, Fane Britt & Browne, LLP in Kansas City and Overland Park. From 1987 to 1989, she served as a law clerk to the Honorable Patrick F. Kelly, U.S. District Court for the District of Kansas. Her breadth and depth of experience as both a practitioner and a jurist will make her well suited to serve on the Tenth Circuit.

I urge all of my colleagues to vote to confirm this excellent nominee.

Mr. GRASSLEY. I yield back time on this side.

The PRESIDING OFFICER. Without objection, all time for debate is yielded back.

The question is, Will the Senate advise and consent to the nomination of Nancy L. Moritz, of Kansas, to be United States Circuit Judge for the Tenth District?

Mr. BARRASSO. 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 Hawaii (Mr. SCHATZ) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) 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 90, nays 3, as follows:

[Rollcall Vote No. 130 Ex.]

YEAS—90

|            |              |             |
|------------|--------------|-------------|
| Alexander  | Gillibrand   | Moran       |
| Baldwin    | Graham       | Murkowski   |
| Barrasso   | Grassley     | Murphy      |
| Begich     | Hagan        | Murray      |
| Bennet     | Harkin       | Nelson      |
| Blumenthal | Hatch        | Paul        |
| Blunt      | Heinrich     | Portman     |
| Booker     | Heitkamp     | Pryor       |
| Boxer      | Heller       | Reed        |
| Brown      | Hirono       | Reid        |
| Burr       | Hoeben       | Roberts     |
| Cantwell   | Inhofe       | Rockefeller |
| Cardin     | Isakson      | Rubio       |
| Carper     | Johanns      | Sanders     |
| Casey      | Johnson (SD) | Schumer     |
| Chambliss  | Kaine        | Scott       |
| Coats      | King         | Sessions    |
| Cochran    | Klobuchar    | Shaheen     |
| Collins    | Landrieu     | Shelby      |
| Cooms      | Leahy        | Stabenow    |
| Corker     | Lee          | Tester      |
| Cornyn     | Levin        | Thune       |
| Cruz       | Manchin      | Udall (CO)  |
| Donnelly   | Markey       | Udall (NM)  |
| Durbin     | McCain       | Walsh       |
| Enzi       | McCaskey     | Warner      |
| Feinstein  | McConnell    | Warren      |
| Fischer    | Menendez     | Whitehouse  |
| Flake      | Merkley      | Wicker      |
| Franken    | Mikulski     | Wyden       |

NAYS—3

Coburn Crapo Risch

NOT VOTING—7

Ayotte Kirk Vitter  
Boozman Schatz  
Johnson (WI) Toomey

The nomination was confirmed.

VOTE ON SELFRIDGE NOMINATION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Selfridge nomination.

Mr. DURBIN. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Peter A. Selfridge, of Minnesota, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service?

The nomination was confirmed.

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

## LEGISLATIVE SESSION

### ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2014—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will resume legislation session.

The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 149

Ms. KLOBUCHAR. I rise today to urge my colleagues to pass the Stopping Tax Offenders and Prosecuting Identity Theft Act of 2013.

Before we have another year—yet another year—of criminals stealing the tax returns of millions of hardworking Americans, we need to pass this bipartisan bill.

Let me tell you from the start this is a bill that I introduced with Senator

SESSIONS of Alabama. This is a bill that made it through the Judiciary Committee 18 to 0. After a number of amendments were considered and rejected, this bill made it through the Judiciary Committee—in which there are many different people of ideological views—18 to 0.

So what is this about? We have a problem in this country, and it is a problem I think people would be very surprised about if they knew how much money it involved. Criminals are increasingly filing false tax returns using stolen identity information in order to claim victims' refunds.

What does this mean? How much money are we talking about?

In 2012 alone, identity thieves filed 1.8 million fraudulent tax returns, almost double the number confirmed in 2011. The numbers in the documents in these cases may be forged, but the dollars behind them are real.

In 2012, there were another 1.1 million fraudulent tax returns that slipped through the cracks, and our U.S. Treasury paid out—are you ready for this—\$3.6 billion in fraudulent returns, \$3.6 billion at a time when we have a debt. At a time when we are cutting programs and doing everything we can to make the government more accountable, we paid out \$3.6 billion in fraudulent returns. That is taxpayers' dollars going down the drain.

But when the criminals file these fake tax returns, it is not only the Treasury that loses out. Everyday people are the real victims, forced to wait months—sometimes even years—before receiving the refunds that are owed to them, and it can take years to fix the problems when you have your identity stolen.

In 2012, Alan Stender, a retired businessman from the 5,000-person town of Circle Pines, MN, was working to file his taxes on time, just as so many Americans did this past month. After completing all the forms and sending in his tax returns, Alan heard from the IRS that there was a major problem. Someone had stolen his identity and used his personal information to fraudulently file his return and steal his tax refund.

Last month, 25 people were arrested in Florida for using thousands of stolen identities to claim \$36 million in fraudulent tax refunds. This included the arrest of a middle-school food service worker who stole the identities of more than 400 students. Those victims are just kids. Yet criminals are stealing their identities to get fake tax returns.

Attorney General of the United States of America Eric Holder had his tax ID stolen. Two young adults used his name, date of birth, and Social Security number to file a fraudulent tax return. They got caught and they got prosecuted. But when our own Attorney General of the United States is a victim of tax fraud—people stealing his identity—I think it is time to admit we have a problem. From a retired man in Minnesota, to middle-school students