

I now move to proceed to executive session to consider Calendar No. 735.

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

Mr. RUBIO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—53

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

NAYS—42

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

NOT VOTING—5

Chambliss	Feinstein	Stabenow
Coburn	Inhofe	

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN CHARLES CRUDEN TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of John Charles Cruden, of Virginia, to be an Assistant Attorney General.

CLOTURE MOTION

Mr. REID. Mr. President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Charles Cruden, of Virginia, to be an Assistant Attorney General.

Harry Reid, Patrick J. Leahy, Martin Heinrich, Jack Reed, Dianne Feinstein, Robert Menendez, Tom Udall, Benjamin L. Cardin, Bill Nelson, Barbara Boxer, Thomas R. Carper, Edward J. Markey, Jeff Merkley, Sheldon Whitehouse, Jon Tester, Richard J. Durbin, Charles E. Schumer.

Mr. REID. Mr. President, I now move to proceed to legislative session.

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

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 348 Ex.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The motion was agreed to.

LEGISLATIVE SESSION

Mr. REID. I move to proceed to executive session to consider Calendar No.

553, Christopher Smith, of Texas, to be an Assistant Secretary of Energy.

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

Mr. COATS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF CHRISTOPHER SMITH TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY)

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Christopher Smith, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

CLOTURE MOTION

Mr. REID. Madam President, there is a cloture motion at the desk.

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

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 Christopher Smith, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

Harry Reid, Mary Landrieu, Richard J. Durbin, Al Franken, Mark L. Pryor, Benjamin L. Cardin, Sheldon Whitehouse, Christopher Murphy, Tim Kaine, Charles E. Schumer, Michael F. Bennet, Ron Wyden, Patty Murray, Debbie Stabenow, Carl Levin, Barbara Boxer, Tom Udall.

Mr. REID. I now move to proceed to legislative session.

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

Mr. RISCH. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 350 Ex.]

YEAS—53

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

NAYS—42

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

NOT VOTING—5

Chambliss	Feinstein	Stabenow
Coburn	Inhofe	

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

Mr. REID. I move to proceed to executive session to consider Calendar No. 1041, the nomination of Stephen Bough of Missouri.

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

Mr. TOOMEY. 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. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—54

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

NAYS—42

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

NOT VOTING—4

Chambliss	Feinstein
Coburn	Inhofe

The motion was agreed to.

EXECUTIVE SESSION

NOMINATION OF STEPHEN R. BOUGH TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Stephen R. Bough, of Missouri, to be United States District Judge for the Western District of Missouri.

CLOTURE MOTION

Mr. REID. There is a cloture motion at the desk, and I ask that it be reported.

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

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 Stephen R. Bough, of Missouri, to be United States District Judge for the Western District of Missouri.

Harry Reid, Patrick J. Leahy, Christopher A. Coons, Dianne Feinstein, Richard J. Durbin, Richard Blumenthal, Brian Schatz, Debbie Stabenow, Michael F. Bennet, Jeff Merkley, Patty Murray, Barbara Boxer, Christopher Murphy, Edward J. Markey, Al Franken, Tom Harkin, Sheldon Whitehouse.

Mr. REID. Madam President, I ask unanimous consent that Senator Grassley be recognized for 5 minutes for debate only.

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

The senior Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to correct the Record on the claim that we typically confirm judges during a lameduck session. However, we do confirm judges during a lameduck if those judges were reported to the floor before the election. What we typically don't do is report judges out of committee during a lameduck and then also confirm them that same year, and that is what the majority is attempting to do here, and, of course, I object.

We need to follow precedent on these nominees. I will use 12 years as an example to illustrate what really happened.

In 2002, 20 judges were confirmed during the lameduck, but 18 of those judges had been reported out of committee before the midterm election. Only two of those judges were reported during the lameduck, and that was because these two judges waited for more than a year for a hearing.

In 2004, four judges were confirmed during the lameduck session, but none were reported out during that lameduck session.

In 2006, one judge was confirmed, but again, that judge was not reported out of committee during the lameduck session.

In 2008, there were no confirmations in the lameduck session.

In 2010, again, no judges were confirmed, but that year 15 judges were reported out of committee during the lameduck and every one of those 15 judges was returned to the White House.

Finally, in 2012, no judges were confirmed. That year, again, five judges