

EXECUTIVE SESSION

NOMINATION OF JANE
BRANSTETTER STRANCH TO BE
UNITED STATES CIRCUIT JUDGE
FOR THE SIXTH CIRCUIT

and private industry. Former government officials, both civilian and military, who have held positions of the highest responsibility for our national defense and nuclear security—including former Republican administration officials who had negotiated and implemented previous START treaties—were among those who testified and called for the treaty's speedy ratification.

All have been experts, with years, if not decades, of experience in the field of national security and arms control, and all have strongly endorsed ratification of the treaty.

In addition to its contribution to America's security, one of the most compelling reasons for the full Senate to ratify this treaty, and move quickly to do so, is to regain our insight into Russia's strategic offensive arms. Since START I expired last December, we have had no comprehensive verification regime in place to help us understand Russia's strategic nuclear forces.

We need the transparency to know what Russia is doing to provide confidence and stability, and we need that confidence and stability to contribute to a safer world. We will only regain that transparency by ratifying this treaty, and we are in dangerous territory without it.

Previous arms control treaties have been ratified with overwhelming bipartisan support. START I was passed 93 to 6 in 1994, and the Moscow Treaty passed 95 to 0 in 2003. Legislators recognized then that an arms control agreement between Russia and the United States is not just good for the security of our two nations but can lead the way for the rest of the world to reduce the proliferation of nuclear weapons. The ratification of this treaty reconfirms U.S. leadership on nuclear arms reduction and nonproliferation.

Over the past several months we have had ample time to review the documents and reports related to the treaty. I am sure my colleagues will join me in recognizing the necessity of ratifying New START. Not only will this treaty enhance the national security of the United States, it will serve as a significant step forward in our relationship with Russia, a key partner in the overall U.S. strategy to reduce the spread of nuclear weapons worldwide. I am glad to offer my support in the Foreign Relations Committee and look forward to the full Senate's ratification of this treaty as soon as possible.

Mr. President, with that, I yield the floor.

CONCLUSION OF MORNING
BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate with respect to the nomination, with the time equally divided between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry: I think the leadership and others were expecting a vote at 5:30. If the Democratic and Republican sides yield back any time to bring the vote at 5:30, that would be permissible; would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the distinguished Acting President pro tempore.

This afternoon, the Senate is going to finally consider and finally vote on the nomination of Jane Stranch of Tennessee to the Sixth Circuit. She is a native of Nashville, TN. She has practiced law in that community for 32 years. She has often appeared before the Sixth Circuit, the court to which she is now nominated. Ms. Stranch has decades of experience in labor and employment law. Actually, that is an expertise she made useful when she taught a class on labor law at Nashville's Belmont University.

Ms. Stranch also has an active appellate practice, as well as significant experience with alternative forms of dispute resolution, such as mediation and arbitration. She is a leader in her community. She dedicates significant time to pro bono work, and that is something I always look for in a nominee. She dedicates significant time also to civic matters and her church. She has impressive academic credentials. She earned both her JD, Order of the Coif, and her BA, summa cum laude and Phi Beta Kappa, from Vanderbilt University.

Her nomination is supported by her home State Senators, both Republicans. Her nomination was reported by a bipartisan majority of the Judiciary Committee last November. That was nearly 10 months ago. Since then, every single Democratic Senator has said—actually they did right from the time she was reported—they were prepared to debate and vote on this nomination. I have spoken many times about the Democrats' willingness and the need to consider this nomination.

In mid-July, I came before the Senate to take the extraordinary step of propounding a unanimous consent request to consider this nomination because at that time we had waited months and months and months and months, and I felt she should be given a chance to have a vote.

The senior Senator from Tennessee, who I see on the floor now, supported that request. I made very clear at that time—and I will make very clear again today—that in no way do I fault the senior Senator from Tennessee for the delay. In fact, he has supported this nomination from the outset. He spoke to me in favor of the nomination at the time it came before the committee. He spoke to me in favor of the nomination when it was before the committee and immediately after it came out of the committee. He has been most supportive all the way through.

Indeed, I think this nomination is an example of how President Obama has reached out and worked with Senators from both sides of the aisle. But I made that request after she had been waiting 8 months for just a vote—for a vote up or down. But after being pending on the Executive Calendar for those 8 months, there was an objection to my request to at least let us go ahead and vote.

Now, I thank the Senate majority leader and the Republican leader for facilitating the agreement that finally allows her consideration this evening. I hope now the Senate will be allowed to turn to the other judicial nominations that have been stalled before the Senate.

One nomination is that of Albert Diaz from North Carolina to the Fourth Circuit, for example. It was reported unanimously by the Judiciary Committee, but it has been stalled since January—since the snows of January.

Others include Scott Matheson of Utah, nominated to the Tenth Circuit, and Janet Murguia of Arizona, nominated to the Ninth Circuit. I mention these because they are all supported by their Republican home State Senators, and they were reported by the Judiciary Committee unanimously, with no objections. It is hard to see how, when they are supported by Republicans in their State—the President has reached out to them, gotten their support—and they go out of the Judiciary Committee with no objections, they then sit here forever.

Another is Ray Lohier of New York, whose nomination to the Second Circuit was reported without objection. In addition, there are 12 district court nominations on the Senate Calendar that should be considered and confirmed without further delay. They were reported as long as 7 months ago.

A number of recent newspaper articles have discussed the judicial vacancy crisis that has been created by the Republican strategy of slow-walking the Senate's consideration of non-controversial nominations. Remember,