

Last year, I became increasingly concerned about some of the judicial nominations being sent to the Senate. In a few individual cases, it was very troublesome. The nomination of Ms. Lewis was one of those that gave me concern. When applying the standards I have articulated, it is my judgment that Ms. Lewis falls short and should not be confirmed.

The Senate process for reviewing the professional qualifications, temperament, background, and character is a long and thorough process. These issues need to be fully examined; nominations are not just rubberstamped.

At the conclusion of that lengthy process, a substantial majority of Republicans on the Judiciary Committee determined that this nomination should not be reported to the Senate.

Nevertheless, we now have the nomination before us. Even so, there are reasons sufficient to oppose this nominee. Ms. Lewis has limited courtroom experience and little criminal law experience. Her responses in her questionnaire and hearing regarding her legal experience indicated her significant cases were handled more than 10 years ago and was more of a team effort than individual experience. At her hearing she was not prepared to discuss the legal principles involved in a case her firm took to the Supreme Court. For these reasons and others, I will vote nay on this nomination and urge my colleagues to do likewise.

I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TESTER. I ask that all time be yielded back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina?

Mr. TESTER. 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 assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Wisconsin (Mr. JOHNSON), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 64, nays 27, as follows:

[Rollcall Vote No. 122 Ex.]

YEAS—64

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Baucus	Hoeven	Pryor
Begich	Hutchison	Reed
Bennet	Inouye	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown (MA)	Kohl	Shaheen
Brown (OH)	Landrieu	Snowe
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lugar	Warner
Conrad	Manchin	Webb
Coons	McCain	Whitehouse
Corker	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—27

Barrasso	DeMint	Lee
Blunt	Enzi	McCormack
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Heller	Risch
Coats	Inhofe	Roberts
Cornyn	Isakson	Sessions
Crapo	Johanns	Shelby
	Kyl	Thune

NOT VOTING—9

Casey	Kirk	Rubio
Harkin	McCaskill	Toomey
Johnson (WI)	Moran	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT—MOTION TO PROCEED—Continued

The Senator from Massachusetts.

The PRESIDING OFFICER.

HANSCOM AIR FORCE BASE

Mr. BROWN of Massachusetts. Madam President, I rise today to speak about the Electronic Systems Center at Hanscom Air Force Base in Massachusetts and its role in our Nation's cybersecurity.

I want to clarify a situation we face as a nation. First, the Secretary of Defense has said loudly and clearly that the threat of cyber attacks on our country and the need for America to develop strong military capabilities keeps him up at night, and it keeps me

and many other people up as well. We read about the cyber attacks by the Chinese, and we read about Iran. The Secretary has described it as an evolving and urgent threat in our future. Our Nation's security depends on winning the battle in cyberspace.

Unfortunately, the Air Force is in the midst of a four-structure change that ignores the crucial facts I have just stated. At a time when cyber threats are growing more important each day, the Air Force is making questionable decisions that, in my opinion, create an unnecessary risk to our Nation's cyber defenses and our ability to deal with those very threats. It makes absolutely no sense at this point in time.

That is why just a few weeks ago the House and Senate Armed Services Committee took strong action to prevent what the entire Massachusetts delegation believed was a premature proposal by the Air Force to reduce Hanscom's leadership from a three-star general to a two-star general.

The elimination of the ESC commander position at Hanscom will diminish our cyber capabilities and focus across the entire force, and that is not good at this point in time. That is the last thing we need in the midst of a cyber attack.

In response, Representative TSONGAS of Massachusetts inserted a provision in this year's National Defense Authorization Act that was passed by the full House of Representatives which required the Secretary of the Air Force to remain and retain core functions at Hanscom as they existed on November 1, 2011. Her language was aimed at retaining Hanscom's three-star leadership.

Similarly, I worked with Senator LIEBERMAN and our Senate Armed Services Committee to include language in the Senate Armed Services markup reported version of the Defense authorization bill that directs the Air Force to keep in place the current leadership rank structure until the two defense committees have had an opportunity to review the recommendations of the National Commission on the Structure of the Air Force.

Given Secretary Panetta's warning, I believe we must pay particular attention to any changes that relate to cybersecurity. The Massachusetts delegation has been united in declaring that both Hanscom's mission and the senior leadership should be preserved in order to bring forth the best cyber capabilities our country has to offer.

Both defense committees have spoken with one voice to the Air Force: Stand down with this change until both committees receive more information about how the proposed force structure changes will impact our cybersecurity.

I also wish to explain why the delegation feels so strongly about this. Massachusetts has been a national security and information technology leader for many decades. Groundbreaking innovation in cybersecurity is taking place in