

RELEASE IN FULL

From: Verma, Richard R <VermaRR@state.gov>
Sent: Friday, February 5, 2010 9:46 AM
To: H; Mills, Cheryl D
Subject: FW: Confirmations Update

FYI --

Reid: Shelby Has Hold On All Nominees

Friday, Feb. 5, 2010

Sen. **Richard Shelby**, R-Ala., has placed a blanket hold on all executive nominations on the Senate calendar in an effort to win concessions from the Obama administration and Pentagon on a variety of fronts affecting his home state, according to aides to **Senate Majority Leader Reid**.

Reid spokeswoman Regan Lachapelle said Shelby is blocking more than 70 pending nominations. Reid can force a vote on any nomination by filing cloture.

Because of the time required to vote on multiple nominations, the Senate processes most nominations by unanimous consent. Any one senator can block any of those nominations by objecting to a unanimous consent request to take it up. The nominations will remain stalled unless Reid files cloture.

While holds are frequent, Senate aides said a blanket hold represents a far more aggressive use of the power than is normal.

"He should not be holding up 70-plus nominees for a parochial issue," a Democratic aide said. "They're qualified and they should be moving forward."

Disclosure of the blanket hold came after two days in which top Democrats voiced mounting frustration with Republican holds on executive nominees.

"We've got a huge backlog of folks who are unanimously viewed as well qualified -- nobody has a specific objection to them -- but end up having a hold on them because of some completely unrelated piece of business," President Obama said Wednesday in a televised meeting with Senate Democrats.

On the Senate floor Thursday, Reid, **Senate Majority Whip Durbin**, Senate Judiciary Chairman **Patrick Leahy** and Senate Armed Services Chairman **Carl Levin** ripped Republicans for holds on national security nominees and judges.

Reid, who kept the Senate in *pro forma* session over recent holidays to prevent former President George W. Bush from making recess appointments, said he has grown so frustrated he might advocate such appointments, which the president can make when the Senate is out of session.

"What alternatives do we have?" Reid said on the floor Thursday. "What alternative do we have?"

Earlier in the day, a spokesman for Shelby said the senator has placed holds on "several pending nominees due to unaddressed national security concerns," including frustrations with the Air Force's handling of the competition for an aerial refueling tanker. The spokesman did not respond to later requests for comment about the blanket hold.

Northrop Grumman Corp. and EADS, the European consortium behind Airbus, and Boeing Co. are vying for the high-stakes contract, potentially worth \$40 billion. The Northrop/EADS team would build the planes in Mobile, Ala., but has threatened to pull out of the competition unless the Air Force makes changes to a draft request for proposals.

"Nearly 10 years after the U.S. Air Force announced plans to replace the aging tanker fleet, we still do not have a transparent and fair acquisition process to move forward," the spokesman said. "The Department of Defense must recognize that the draft request for proposal needs to be significantly and substantively changed."

Defense Secretary Gates Wednesday told House lawmakers the Pentagon plans to issue the final request for proposals soon, and will proceed with the program whether or not there is a competition.

"Obviously we would like to have a competition for it, and we hope that both companies will agree to participate, but we will move forward," Gates said. "We have to have new tankers."

In addition to the tanker issue, Shelby's spokesman said he is frustrated that the Obama administration won't build an Alabama-based FBI center to analyze improvised explosive devices.

Shelby secured a \$45 million earmark in the FY08 omnibus appropriations bill for a Terrorist Explosive Device Analytical Center to be set up at the Army's Redstone Arsenal.

"Sen. Shelby will continue to work with the FBI to give them the capability to coordinate intelligence as well as forensic and technical exploitation related to IEDs, but this administration's coddling of terrorists makes this an uphill effort," the spokesman said. "He has made the administration aware of these concerns and is willing to discuss them at any time."

Also Thursday, Vice President Biden said he was so frustrated by Republican foot-dragging that he was considering whether Senate rules should be changed.

"There's a little disappointment in that it seems like the only way to do business up here anymore is with a supermajority on almost everything," Biden said moments after swearing in Sen. **Scott Brown**, R-Mass., who gives Republicans 41 votes, enough to filibuster on any issue.

"What I have been doing is spending a lot of time having my staff go back and scrub this, you know, the use of the filibuster and how it's worked," Biden said. "This is not a constitutional requirement."

Biden defended the 60-vote requirement, calling it "a useful tool. It's legitimate, but from my perspective having served here, having been elected seven times, I've never seen a time when it's become sort of standard operating procedure. ... Requiring a supermajority is just not a good way to do business."

by Dan Friedman and Megan Scully