

O'Malley was among the youngest judges serving on the Federal bench.

Since then, she has served the Northern District of Ohio with distinction.

In addition to having a great legal mind, she is an innovator. She has spearheaded national efforts to integrate cutting edge technologies into courtrooms—ensuring that the administration of justice is equal, fair, and open for all who seek it.

Judge O'Malley will make an outstanding judge on the U.S. court of appeals for the Federal circuit, and I congratulate her on her confirmation.

JUDICIAL CONFIRMATIONS

Mr. LEAHY. Mr. President, at long last, the Senate is being allowed to consider long-pending, consensus judicial nominations. This action has been long overdue. President Obama has reached out and worked with Senators from both sides of the aisle in selecting well-qualified judicial nominees. As chairman of the Judiciary Committee, I have bent over backwards to be fair to all sides. There has been consultation and a thorough and fair process for evaluating nominations.

Scott M. Matheson is finally being confirmed to become a Federal circuit judge for the U.S. Court of Appeals for the Tenth Circuit. In his 30-year legal career, he has been both a State and a Federal prosecutor, worked in private practice, and served on the faculty of the S.J. Quinney College of Law at the University of Utah, including 8 years as the school's dean. The Judiciary Committee unanimously reported his nomination on June 10, more than 6 months ago. We did so unanimously. The Republican Senators from Utah supported this nomination. It has still taken more than 6 months to get a Senate vote.

Ten years ago, Mary Murguia became the first Latina to serve as a Federal judge in Arizona when she was nominated by President Clinton to serve on the U.S. District Court for the District of Arizona. She will now become the first Hispanic—and only the second woman—from Arizona to serve on the Ninth Circuit. The Judiciary Committee unanimously voted to report her nomination favorably more than 4 months ago. Judge Murguia's nomination was supported by her home State Senators, both Republicans. It has still taken more than 4 months to get a Senate vote.

Kathleen M. O'Malley has for the last 16 years served as a Federal judge in the Northern District of Ohio. When Judge O'Malley, a breast cancer survivor, was appointed to that court in 1994, she was one of the two youngest women on the Federal bench. She has been nominated to serve on the U.S. Court of Appeals for the Federal Circuit. The Judiciary Committee unanimously reported her nomination to the Federal Circuit in September, 3 months ago. The Committee received a letter of support from Senator VOINOVICH,

who urged an expeditious confirmation process. It has still taken 3 months to get a Senate vote.

The Senate is finally being allowed to fill some of the vacancies on the hard-pressed U.S. District Court for the District of Columbia. The Judiciary Committee unanimously reported the nominations of Beryl Howell and Robert Wilkins back in September. It has taken 3 months to get Senate votes. The chief judge of the District Court for the District of Columbia wrote the Senate some time ago urging prompt action to fill the four vacancies that exist on that Court.

There was a time when having served for 10 years as a respected member of the Judiciary Committee staff would lead to expeditious consideration of a nomination. For example, when Kristi Lee Dubose of Alabama, who had served on Senator Sessions' Judiciary Committee staff, was nominated, her hearing was expedited despite the lack of an ABA peer review, her nomination was reported by the committee within 2 days of her hearing and that nomination was then confirmed promptly. Indeed, the time Judge Dubose's questionnaire was received by the committee to the date of her confirmation was 61 days, which includes a 3-week recess period.

By contrast, Ms. Howell's nomination was delayed after her hearing for 57 days before the committee was allowed to vote and has been stalled for 89 days on the Senate Executive Calendar. Since her questionnaire was received by the committee, it has been 160 days. This is no reflection on Ms. Howell, whose credentials, work experience, temperament, and qualifications are beyond reproach.

There are more than a dozen additional consensus judicial nominations that have been through the entire process but are being denied a final vote. I know of no precedent for this. Indeed, in the lameduck session at the end of President Bush's second year in office, we proceeded to report and confirm controversial circuit court nominees. That the Senate is not being allowed to consider these consensus nominees is a shame and an unnecessary burden on them and their families and for the courts and people they would serve. It is a travesty that all of the well-qualified nominees favorably reported by the Judiciary Committee could not be confirmed before this Congress adjourns. That is what we did when we confirmed 100 judicial nominees of President Bush in 2001 and 2002. All 100 of the nominees reported favorably by the Judiciary Committee received Senate votes and were confirmed—all 100. They include 20 during the lameduck session that year and circuit court nominees reported after the election.

This year, consensus nominees are not being allowed to be considered. These nominees include one unanimously reported circuit court nominee and another circuit court nominee supported by 17 of the 19 Senators on the Judiciary Committee.

President Obama has nominated James E. Graves to fill one of two emergency vacancies on the Fifth Circuit. Currently, Justice Graves is the only African American on the Mississippi Supreme Court. If confirmed, he would be the second African American to sit on the Fifth Circuit, the first from Mississippi. His nomination has the strong support of both of his Republican home State Senators. The ABA Standing Committee on the Federal Judiciary unanimously rated him "well qualified", its highest possible rating. The Judiciary Committee reported him unanimously. Yet he is not being allowed a vote.

Susan Carney is nominated to fill one of 3 emergency vacancies on the Second Circuit. After working for 17 years in private practice, she served as associate general counsel of the Peace Corps, and she is currently the deputy general counsel of Yale University. Ms. Carney's nomination has the strong support of both of her home State Senators. Her nomination was reported with the support of five of the seven Republicans serving on the Judiciary Committee and by a vote of 17 to 2. She is not being allowed a vote.

There are 13 more district court nominees who were reported unanimously by the Judiciary Committee that the Senate is not being allowed to consider.

President Obama nominated Amy Totenberg to fill an emergency vacancy on the U.S. District Court for the Northern District of Georgia in March. Ms. Totenberg's nomination has the support of her two Republican home state Senators. Currently a lawyer in private practice in Atlanta, she also serves as a special master for the U.S. District Court for the District of Maryland and as a court-appointed mediator for the U.S. District Court for the District of Columbia. Previously, she was general counsel to the Atlanta Board of Education and a part-time municipal court judge. She earned the highest possible rating, unanimously "well qualified," from the ABA Standing Committee on the Federal Judiciary. Her nomination was reported unanimously by the Judiciary Committee.

James E. Boasberg was nominated to fill another of the vacancies on the U.S. District Court for the District of Columbia. Since 2002, Judge Boasberg has served as a judge on the Superior Court of the District of Columbia, a position to which he was appointed by President George W. Bush. Previously, Judge Boasberg was a Federal prosecutor and an attorney in private practice. The ABA Standing Committee on the Federal Judiciary rated him unanimously "well qualified," its highest possible rating, to become a Federal judge. His nomination was reported unanimously by the Judiciary Committee.

Amy Berman Jackson was nominated to fill the other current vacancy on the U.S. District Court for the District of

Columbia. Ms. Jackson is currently a partner at the Washington, D.C., law firm Trout Cacheris. Previously, she was a partner in Venable's Washington, D.C., office, and she also served as a Federal prosecutor in the District of Columbia. Ms. Jackson earned the highest possible rating, unanimously "well qualified," from the ABA Standing Committee on the Federal Judiciary. Her nomination was reported unanimously by the Judiciary Committee.

President Obama nominated James E. Shadid to fill an emergency vacancy on the U.S. District Court for the Central District of Illinois, a court that currently has only one active judge. Judge Shadid is currently a judge on the Tenth Judicial Circuit in Peoria County, IL. Previously, he was a sole practitioner in Peoria, a part-time commissioner on the Illinois Court of Claims, and a part-time assistant public defender in the Peoria County Public Defender's Office. When he was appointed to serve as a State judge, Judge Shadid became the first Arab-American judge in Illinois. He will become the only Federal Arab-American judge in the State and one of only approximately four Arab-American Federal judges in the country. His nomination was reported unanimously by the Judiciary Committee.

Sue E. Myerscough was also nominated to fill an emergency vacancy on the U.S. District Court for the Central District of Illinois. She is currently the presiding justice on the Fourth District Appellate Court of Illinois, and she previously sat on the Seventh Judicial Circuit of Illinois, first as associate judge and then as circuit judge. In all, Justice Myerscough has more than 23 years of judicial experience. She also serves as an adjunct associate professor in the Department of Medical Humanities at the Southern Illinois University School of Medicine. Justice Myerscough was first nominated to serve as a Federal judge in 1995, but her nomination was returned to the President after the Senate failed to act on it. Her nomination was reported unanimously by the Judiciary Committee.

President Obama nominated Paul K. Holmes, III, to fill an emergency vacancy on the U.S. District Court for the Western District of Arkansas. Mr. Holmes is currently of counsel at the Fort Smith, AR, law firm where he formerly worked for more than two decades as an associate and a partner. Previously, he was the U.S. attorney for the Western District of Arkansas. As U.S. attorney, Holmes served for 2 years on the Attorney General's Advisory Committee. Mr. Holmes earned the highest possible rating—unanimously "well qualified"—from the ABA Standing Committee on the Federal Judiciary, and he has the strong support of his two home State Senators. His nomination was reported unanimously by the Judiciary Committee.

Anthony J. Battaglia was nominated to become a Federal judge on the U.S.

District Court for the Southern District of California, the court he has served as a magistrate Judge for 17 years. He is a former president of the Federal Magistrate Judges Association and of the San Diego County Bar Association. Prior to taking the bench, Judge Battaglia worked for nearly two decades as a civil litigator in private practice. He has the strong support of both of his home State Senators, and the ABA Standing Committee on the Federal Judiciary gave him its highest possible rating, unanimously "well qualified." His nomination was reported unanimously by the Judiciary Committee.

Judge Edward J. Davila was nominated to fill an emergency vacancy on the U.S. District Court for the Northern District of California. Currently a judge on the Superior Court of California, Judge Davila previously spent 20 years as a trial lawyer, first as a deputy public defender in the Santa Clara County Public Defender's Office and then as a lawyer in private practice. He also has taught trial advocacy course sessions at Stanford Law School, Santa Clara University School of Law, and the University of San Francisco School of Law. If confirmed, Judge Davila will become the first Latino to take the Federal bench in the Bay area in more than 15 years. He has the strong support of his two home State Senators. His nomination was reported unanimously by the Judiciary Committee.

President Obama nominated Diana Saldana to fill an emergency vacancy in the Southern District of Texas, the district she has served as a magistrate judge since 2006. Before taking the bench, Judge Saldana served the Southern District for 5 years as a Federal prosecutor, and she previously was a lawyer in private practice and a trial attorney in the Civil Rights Division of the U.S. Department of Justice. The child of migrant farm workers, Judge Saldana began working alongside her family in the sugar beet fields at age 10, and she continued to do so for more than a decade. After graduating from law school, she served as a law clerk to then-Chief Judge George P. Kazen. If confirmed, Judge Saldana will fill the vacancy created by Judge Kazen's retirement. Judge Saldana earned the highest possible rating—unanimously "well qualified"—from the ABA Standing Committee on the Federal Judiciary. She has the strong support of her two Republican home State Senators. Senator CORNYN called her "one of the toughest law enforcers in South Texas," and Senator HUTCHISON added that Judge Saldana "has some of the finest qualities we expect in our judges." Her nomination was reported unanimously by the Judiciary Committee.

Max O. Cogburn was nominated to sit on the U.S. District Court for the Western District of North Carolina, the district that he previously served for 9 years as a magistrate judge and for 12

years as an assistant U.S. attorney. Mr. Cogburn is currently a partner in the Asheville, NC, law firm, Cogburn and Brazil, and he also serves as an appointed member of the North Carolina Education Lottery Commission. In addition to practicing law, Mr. Cogburn owns and maintains with his siblings the Pisgah View Ranch, a dude ranch that has been in his family for generations. Mr. Cogburn has the strong, bipartisan support of his two home State Senators, a Republican and a Democrat. His nomination was reported unanimously by the Judiciary Committee.

Marco A. Hernandez was nominated to fill an emergency vacancy on the U.S. District Court for the District of Oregon. He has served as a judge in Oregon's 20th Judicial District for the last 15 years, first on the district court and now as a circuit court judge. Previously, Judge Hernandez was a deputy district attorney in Washington County, OR, and a lawyer for Oregon Legal Services. Judge Hernandez has the strong support of his two home State Senators, and he has now been nominated to this position by Presidents of both parties. If confirmed, he will become the first Latino to serve as a Federal Judge in Oregon. His nomination was reported unanimously by the Judiciary Committee. I also note that Senator SESSIONS made quite a fuss that he was not confirmed at the end of the Bush administration while Senator SESSIONS proceeded to delay Committee consideration of his nomination and while Republicans still refuse to allow it to be considered before adjournment.

President Obama nominated Steve Jones to fill an emergency vacancy on the U.S. District Court for the Northern District of Georgia. For the last 15 years, Judge Jones has been a superior court judge in the Tenth Superior Court District of Georgia, and he currently serves that district as the presiding judge on the Felony Drug Court as well. Previously, he was a judge on the Athens-Clarke County Municipal Court and an assistant district attorney for the Western Judicial Circuit. Judge Jones was the first African American to serve the Western Judicial Circuit as a superior court judge. He will be the only active African-American judge on the Northern District of Georgia and one of only two active African-American judges in the State. Judge Jones earned the highest possible rating—unanimously "well qualified"—from the ABA Standing Committee on the Federal Judiciary, and he has the strong support of his two Republican home State Senators. His nomination was reported unanimously by the Judiciary Committee.

Michael Simon was nominated to the U.S. District Court for the District of Oregon. He is currently a partner at the law firm of Perkins Coie LLP, where he serves as head of the litigation practice at the Portland office. In that capacity, Mr. Simon has handled

several high-profile first amendment cases on a pro-bono basis. Before joining that firm, Mr. Simon was a trial attorney in the Antitrust Division of the U.S. Department of Justice. Mr. Simon has the strong support of his two home State Senators. His nomination was reported by the Committee with strong bipartisan support.

These consensus nominees are in addition to the other highly qualified nominations on which the Senate has not been allowed to vote for many months.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.
The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate move to morning business with Senators allowed to speak for up to 10 minutes each.

Mr. McCAIN. Mr. President, reserving the right to object, if I could.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I would say to the Senator from Illinois that I have an agreement with everybody on a 6-week extension of the Trade Adjustment Assistance and the Trade Preference Act, and on both sides everybody has agreed.

I know I can't do that in morning business, so I ask unanimous consent, as soon as it is written up, that I be permitted to propose that legislation.

Mr. DURBIN. I have no objection to your bringing it up whenever it is prepared, and we will of course consider it at that time.

I thank the Senator for his work on this effort.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader.

FIRST RESPONDERS BILL

Mr. MCCONNELL. Mr. President, I am delighted the Senate was able to reach an agreement to provide health care for the men and women who helped in the rescue, recovery, and cleanup efforts after the 9/11 attacks.

In the years since then, as we all know, a number of these brave Americans have become ill. Today represents an important step in making sure they receive the care they need as a result of their extraordinary service. No one has ever questioned whether to provide the care they need. The only question was how to do so.

Like many of my colleagues, I have been concerned that attempts to rush this legislation at the end of the session would prevent us from ensuring

the bill was written in a responsible fashion. I still believe this cause and this legislation would have benefited from a bipartisan committee process. But thanks to the hard work of a number of Senators—most notably Senators COBURN and ENZI and their staffs—we have come a long way in improving this bill.

We have made sure that more compensation will go to victims than trial lawyers. It has got improved oversight, so money isn't siphoned away from the people who need it. We put time limits on the legislation so Congress can come back and review what has worked and where improvements can be made. So this is a much better product.

Some have tried to portray this debate as a debate between those who support 9/11 workers and those who don't. This is a gross distortion of the facts. There was never any doubt about supporting the first responders. It was about doing it right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding the Senator from Hawaii has to make a quick departure, so I ask he be recognized after this quick request.

HELPING HEROES KEEP THEIR HOMES ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4058 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4058) to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 4058) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Heroes Keep Their Homes Act of 2010".

SEC. 2. EXTENSION OF ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Paragraph (2) of section 2203(c) of the Housing and Economic Recovery Act of 2008 (Public Law 110-289) is amended—

(1) by striking "December 31, 2010" and inserting "December 31, 2012"; and

(2) by striking "January 1, 2011" and inserting "January 1, 2013".

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

Mr. AKAKA. Mr. President, I rise today to reaffirm my strong commitment to have the Native Hawaiian Government Reorganization Act enacted into law. This bill is of great importance to all of the people of Hawaii. The bill would simply put the State of Hawaii on equal footing with the rest of the country in the treatment of its indigenous people. It provides a process for the reorganization of a Native Hawaiian governing entity. However, since I first introduced this common-sense bill 10 years ago, it has been the subject of misleading attacks and procedural hurdles, and has never had the opportunity for an up-or-down vote here on the Senate floor.

Earlier this month, a handful of my colleagues who oppose this measure put out a press release, fueling speculation that I was seeking to attach this bill to must-pass, end-of-session legislation. One of these colleagues said that this measure—and I quote, "should be brought up separately and debated openly on the Senate floor with the opportunity for amendment." I could not agree more.

A structured debate followed by an up-or-down vote on this legislation is long overdue. The people of Hawaii have waited for far too long.

This Congress, the bill was favorably reported by the Senate Committee on Indian Affairs, and it was passed by the House of Representatives. Despite this, it was not given an opportunity to be debated and voted on, here on the Senate floor.

I am deeply disappointed that we did not have the opportunity to consider this bill during the 111th Congress. This historic Congress saw a great many accomplishments on behalf of the American people, but tragically, it also saw unprecedented obstruction.

I remain committed to passing this bill. I am hopeful that, when we convene next year in the new Congress, I can count on every one of my colleagues to be supportive of my efforts to bring this bill to the Senate floor.

The Native Hawaiian Government Reorganization Act is a Hawaii-specific measure. In the long traditions of the U.S. Senate, it was considered a courtesy to stand with your colleagues on matters specifically addressing the needs of their home State. This civility seems to have vanished from this Chamber.

It is frustrating to me that some of my colleagues have worked aggressively to block this bill. For some reason, they have made it a priority to prevent the people of my State from moving forward to resolve issues caused by the illegal overthrow of the Native Hawaiian government in 1893.