

If not, the question is, Will the Senate advise and consent to the nomination of Gloria M. Navarro, of Nevada, to be United States District Judge for the District of Nevada?

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

The ACTING PRESIDENT pro tempore. 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 West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 128 Ex.]

YEAS—98

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Risch
Brown (OH)	Hutchison	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burr	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	LeMieux	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCaskey	Wyden
Ensign	McConnell	

NOT VOTING—2

Bennett Byrd

The nomination was confirmed.

NOMINATION OF NANCY D. FREUDENTHAL

The PRESIDING OFFICER. There will now be 2 minutes of debate, evenly divided, on the nomination of Nancy D. Freudenthal, of Wyoming, to be U.S. circuit judge.

Mr. ENZI. Mr. President, I am pleased to rise in support of the nomination of Nancy Freudenthal to serve as a judge for the U.S. District Court for the District of Wyoming. I want to thank Chairman LEAHY and Senator SESSIONS and the Judiciary Committee staff for their assistance moving this nomination through the process.

Nancy is a Wyoming native, born in Cody, and received both her B.A. and her J.D. from the University of Wyoming.

After being admitted to the Wyoming State Bar in 1980, Nancy took a position with Governor Ed Herschler as his attorney for intergovernmental affairs

for 8 years. She then served in the same position for Governor Mike Sullivan for 2 years. In this capacity, Nancy served as the Governor's representative on numerous boards, worked extensively with the State legislature, taught at the University of Wyoming College of Law, and served as acting administrator of the Department of Environmental Quality in the Land Quality Division.

In 1989, Nancy was appointed by Governor Sullivan to the Wyoming Tax Commission and State Board of Equalization, where she served as Chairman for a 6-year term. While the State board of equalization is tasked with the annual process of equalizing valuation of property in Wyoming counties, the board has a main function of listening to disputes between taxpayers and the Department of Revenue and reviewing appeals. Nancy's experience as chairman of this board will greatly enhance her abilities as a judge.

Since joining Davis & Cannon, LLP in 1995, Nancy has handled a wide variety of matters, including complex mineral tax litigation, environmental and natural resource disputes, public utility law, oil and gas litigation, employment litigation, and commercial transactions. She has experience at both the trial and appellate levels. Nancy is well respected among her peers and judges in Wyoming.

I also want to mention how important this judgeship is for Wyoming. While Senators disagree at times about specific nominees, we can all agree that without judges in place our legal system slows down and does a disservice to the people we represent.

Nancy Freudenthal's experiences as a private attorney and in State government will serve her well as a district court judge. I am pleased that her nomination has received the strong support of my Senate colleagues.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will support this nominee, but I should mention again that Senate Republicans have not allowed us to vote on a judicial nominee for almost 2 weeks.

By this date in George W. Bush's Presidency, the Senate had confirmed 52 Federal circuit and district court judges. As of today, we had only been allowed only 20 by the Senate Republicans. Counting the recent vote on Gloria M. Navarro this brings us just up to 21 confirmations.

There are nearly two dozen additional nominations stalled. It should not take 2 weeks to try to get through these secret holds. When we have people who are confirmed unanimously in the committee, then confirmed unanimously on the floor, it is unconscionable to hold them up week after week after week.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am rising in support of the nominee. Any delays that there have been have not been for

this particular nominee, nor by the Wyoming delegation at all.

This is a position that has been open now for over 2 years. The first nominee for this position got a hearing but could not get a vote in committee. The nomination ran out and we now have a new nominee, who is Mrs. Freudenthal, Nancy Freudenthal, who is also the first lady of Wyoming.

But she, in her own right, has been an attorney, has served with three different Governors in the State of Wyoming, and does a phenomenal job. She has her law degree from the University of Wyoming and would make an outstanding person to fill in this roll. Both Senator BARRASSO and I are strongly in support of her and have been pushing for her nomination since we first started.

Mr. LEAHY. Would the Senator yield? The Senator is absolutely right. The Wyoming Senators did not hold up this nominee, but the Republican side did.

Mr. ENZI. Mr. President, the Republican side may have been doing things to be sure we had votes on judges, which is the same thing the Democrats did when we were in the majority. We had to have votes on all these. I am glad we finally got to the position of having a vote.

The PRESIDING OFFICER. Time has expired.

Mr. ENZI. I ask everyone to vote aye.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is, Will the Senate advise and consent to the nomination of Nancy D. Freudenthal, of Wyoming, to be U.S. district judge for the District of Wyoming?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—96

Akaka	Casey	Grassley
Alexander	Chambliss	Gregg
Barrasso	Cochran	Hagan
Baucus	Collins	Harkin
Bayh	Conrad	Hatch
Begich	Corker	Hutchison
Bennet	Cornyn	Inhofe
Bingaman	Crapo	Inouye
Bond	DeMint	Isakson
Boxer	Dodd	Johanns
Brown (MA)	Dorgan	Johnson
Brown (OH)	Durbin	Kaufman
Brownback	Ensign	Klobuchar
Bunning	Enzi	Kohl
Burr	Feingold	Kyl
Burr	Feinstein	Landrieu
Cantwell	Franken	Lautenberg
Cardin	Gillibrand	Leahy
Carper	Graham	LeMieux

Levin	Nelson (FL)	Specter
Lieberman	Pryor	Stabenow
Lincoln	Reed	Tester
Lugar	Reid	Thune
McCain	Risch	Udall (CO)
McCaskill	Roberts	Udall (NM)
McConnell	Rockefeller	Vitter
Menendez	Sanders	Voinovich
Merkley	Schumer	Warner
Mikulski	Sessions	Webb
Murkowski	Shaheen	Whitehouse
Murray	Shelby	Wicker
Nelson (NE)	Snowe	Wyden

NAYS—1

Coburn

NOT VOTING—3

Bennett	Byrd	Kerry
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The nomination was confirmed.

NOMINATION OF DENZIL PRICE MARSHALL, JR.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the nomination of Denzil Price Marshall Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I am so pleased to rise in support of Judge Price Marshall who has been nominated to fill the Federal judicial vacancy in the Eastern District of Arkansas.

Judge Marshall has enjoyed an impressive and lengthy legal career in Arkansas, where he has served as a judge on the Arkansas Court of Appeals since 2006.

Previously, Judge Marshall practiced law in his hometown of Jonesboro, for 15 years, as a principal at the firm Barrett & Deacon. He also clerked for U.S. Circuit Judge Richard Arnold from 1989 to 1991.

He graduated from Arkansas State University in Jonesboro in 1985, where he currently serves as an adjunct professor of political science.

Judge Marshall also received a degree from the London School of Economics, and graduated with honors from Harvard Law School in 1989.

He has done a tremendous job. He is very well known in Arkansas as a gifted appellate advocate, brilliant legal mind, and well-respected man of integrity. I am so pleased the Senate is taking the role of moving him forward in this capacity. I thank Chairman LEAHY and the Judiciary Committee for moving the nomination forward. I have full faith and confidence in Judge Marshall's ability and encourage Members to support him.

I yield to my colleague from Arkansas.

Mr. PRYOR. Mr. President, I don't think it is an exaggeration to say that when our Founding Fathers laid out article III of the Constitution, they had people such as Price Marshall in mind. He is smart. He is hard-working. He is a family man. He is involved in his community. He is involved in his church and in his legal profession. He is an elected member of the Arkansas Court of Appeals. When he was in private practice, he had a reputation as a lawyer's lawyer. I join Senator LINCOLN in giving him my highest recommendation.

I appreciate all my colleagues voting yes on Price Marshall.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Denzil Price Marshall, Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas?

The nomination was confirmed.

The motion to reconsider is considered as made and tabled.

The President shall be notified of the Senate's action.

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Nancy D. Freudenthal to be U.S. District Judge for the District of Wyoming and Denzil Price Marshall Jr. to be U.S. District Judge for the Eastern District of Arkansas. If I were able to attend today's session, I would have supported both nominees.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

AMENDMENT NO. 3737

The PRESIDING OFFICER. There is now 4 minutes of debate equally divided prior to a vote on the Boxer amendment.

The Senator from California.

Mrs. BOXER. Mr. President, I would like everyone to take a look at these headlines from September 2008: "Nightmare on Wall Street, Where Do We Go From Here?" All of us who went through this, whether we were in the Senate or we were looking at what was happening to our investments on Wall Street, we saw over 3 short days in September of 2008, Lehman Brothers, Merrill Lynch, and AIG collapsed and the stock market plunged. Seniors lost their retirement savings, and families lost their jobs and homes. Small businesses stopped hiring. It was a nightmare. That is what it was. If there is one thing we should all be able to agree on, it is this: The American taxpayer should never again have to bail out Wall Street firms that gambled away our savings and wreaked havoc on our economy.

My amendment is very clear. It is not a sense of the Senate. It has the force of law. It is straightforward. It is an ironclad assurance that a failing, insolvent Wall Street firm must be liquidated, and the cost of that liquidation must come either from selling off the firm's assets or from industry assessments of the big Wall Street firms.

I will retain the remainder of my time in case there is a debate. I hope this is close to a unanimous vote. It is clear, and I hope we will agree.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield back the time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—96

Akaka	Ensign	Menendez
Alexander	Enzi	Merkley
Barrasso	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Gillibrand	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Roberts
Brownback	Hutchison	Rockefeller
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kaufman	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Warner
DeMint	Lugar	Webb
Dodd	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden

NAYS—1

Kyl

NOT VOTING—3

Bennett	Byrd	Kerry
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The amendment (No. 3737) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3827 TO AMENDMENT NO. 3739

Mr. SHELBY. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. DODD, proposes an amendment numbered 3827 to amendment No. 3739.

(The amendment is printed in today's RECORD under "Text of Amendments.")