

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—63

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johanns	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—36

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	Lugar
Bond	Enzi	McCain
Brownback	Feingold	McConnell
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Wicker

NOT VOTING—1

Byrd

The amendment (No. 3938) was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3839

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3839.

Mr. MCCAIN. 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—43

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Feingold	Risch
Brown (MA)	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

NAYS—56

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Burr	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Byrd

The amendment (No. 3839) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have spoken to the distinguished Republican leader. It is my understanding we are going to do these two judges by voice vote, and following that, it is my understanding the two managers have worked out an arrangement to have a couple more amendments voted on within the next half hour or 45 minutes.

EXECUTIVE SESSION

TIMOTHY S. BLACK TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO

JON E. DEGUILIO TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Timothy S. Black, of Ohio, to be United States District Judge for the Southern District of Ohio and Jon E. DeGuilio, of Indiana, to be United States District Judge for the Northern District of Indiana.

The PRESIDING OFFICER. Is there further debate?

The Republican leader is recognized.

Mr. MCCONNELL. Yes. I just want to address the majority leader.

I say to my friend from Nevada, we are having voice votes on two judges?

Mr. REID. Yes.

Mr. MCCONNELL. Let me indicate that Senator CORKER is prepared to offer an amendment and take a very short time agreement.

Mr. REID. And Senator MERKLEY has agreed, also, and Senator KLOBUCHAR.

Mr. DODD. If I could just interject, I believe Senator BENNET, after the judges, would be prepared to speak for about 10 minutes on his amendment,

and then we could have a voice vote on that amendment. We do not even need a recorded vote on that amendment. It is a bipartisan amendment.

Mr. MCCONNELL. Right, and then Senator CORKER and Senator MERKLEY and a vote.

Mr. DODD. And 30 minutes equally divided, I think we are talking about, for both amendments.

Mr. MCCONNELL. Yes.

Mr. REID. If we could do the judges now.

Mr. LEAHY. Mr. President, this week, the President nominated Elena Kagan to the Supreme Court. I trust that her nomination will be treated better than President Obama's other judicial nominations, including these. President Obama nominated Jon DeGuilio to fill a judicial emergency vacancy in Indiana last year. He was unanimously reported by the bipartisan membership of the Senate Judiciary Committee in early March. His nomination has been held hostage for 2 months. President Obama nominated Judge Timothy Black last January, and he was reported unanimously in early February. His nomination has been held hostage for 3 months for no good purpose and with no explanation. Republican objection to their consideration has stalled both these nominations. Now that they are finally receiving votes, I suspect they will be confirmed unanimously, as have so many of President Obama's nominations. So why the delay? Why the weeks and weeks, and months and months, of obstruction? This obstruction is of nominees that Senate Republicans support. This is wrong. I have called for it to end, but the Republican Senate leadership persists in this practice.

By this date in President Bush's first term, 56 of President Bush's judicial nominations had been confirmed. Now that President Obama is in the White House, Republicans have allowed votes on only 23 of his Federal circuit and district court nominees.

The two nominations we consider today, that of Timothy S. Black to the Southern District of Ohio and Jon E. DeGuilio to the Northern District of Indiana, should have been considered and confirmed months ago. Both nominations have the support of Democratic and Republican home State senators. Both received positive ratings from the American Bar Association's Standing Committee on the Federal judiciary. Both were reported favorably by the Judiciary Committee months ago by voice vote, without any dissent—Judge Black on February 11 and Mr. DeGuilio on March 4.

As of today, there are 24 of President Obama's judicial nominations favorably reported by the Senate Judiciary Committee stalled on the Senate's Executive Calendar. The Senate has confirmed only 23, even though these nominations were reported as far back as November. Even after the Senate acts today, there will be 22 judicial nominees still pending, and 16 of those

nominations were reported without a single negative vote. These should be easy for the Senate to consider in a timely manner and confirm. Yet Republicans continue to stall.

The majority leader has had to file cloture petitions to cut off the Republican stalling by filibuster on President Obama's nominees 22 times. Four times he has had to file cloture to proceed with judicial nominees, only to eventually see those nominees confirmed, two which were confirmed unanimously. This stalling and obstruction is wrong.

We should be doing the business of the American people, like reining in the abuses on Wall Street, rather than having to waste weeks and months considering nominations that should be easily confirmed. Several Senators have gone to the floor in recent weeks and have been outspoken about these delays and secret holds on judicial nominations, as well as scores of other Presidential nominations on which the Republican minority refuses to act. Regrettably, Republicans have objected to live requests for action on these nominations. They have also refused to identify who is objecting and the reasons for the objections, in accordance with the Senate rules.

The action of the Republican minority to place politics ahead of constitutional duty by refusing to adhere to the Senate's tradition of quickly considering noncontroversial nominees reminds me of the 1996 session when the Republican majority considered only 17 of President Clinton's judicial nominations. That was a low point I thought would not be repeated. Their failing to fill judicial vacancies led to rebuke by Chief Justice Rehnquist. But they are repeating this unfortunate history today, again allowing vacancies to skyrocket to over a 100, more than 40 of which have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts.

Despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush, the Senate is far behind the pace we set during the Bush administration. As I noted earlier, by this date in George W. Bush's Presidency, the Senate had confirmed 56 Federal circuit and district court judges. In the second half of 2001 and through 2002, the Senate with a Democratic majority confirmed 100 of President Bush's judicial nominees. Given Republican delay and obstruction, this Senate may not achieve half of that. Last year the Senate was allowed to confirm only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. So far this year, despite two dozen nominations on the Executive Calendar, we have confirmed only 11 more.

The Republican pattern of obstructionism we have seen since President Obama took office has led to this unprecedented backlog in nominations on the Senate calendar awaiting final consideration. We should end the backlog

by restoring the Senate's tradition of moving promptly to consider noncontroversial nominees with up-or-down votes in a matter of days, not weeks and certainly not months. For those nominees Republicans wish to debate, they should come to time agreement to have those debates and votes. It is past time to end the destructive delaying tactics of stalling nominees for no good purpose.

The confirmation of the two nominations we consider today is long overdue.

Judge Black has served the Southern District of Ohio for 6 years as a Federal magistrate judge. Before that, he spent a decade as a municipal court judge, and he also had a long career as a civil litigator. His nomination has the support of both of his home State senators, Senator GEORGE VOINOVICH and Senator SHERROD BROWN, one a Republican and one a Democrat.

Mr. DeGuilio served the Northern District of Indiana for 6 years as its U.S. attorney. In addition, he has more than a decade of experience as a lawyer in private practice, and he also worked as a local prosecutor. He has the support of both of his home State senators, Senator RICHARD LUGAR and Senator EVAN BAYH, one a Republican and one a Democrat.

I congratulate the nominees and their families on their confirmations today. I urge the Republican leadership to restore the Senate's tradition practice and agree to prompt consideration of the additional 22 judicial nominees they continue to stall.

Mr. BROWN of Ohio. Mr. President, I am here today to express my unqualified support for the confirmation of Judge Timothy Black to be U.S. district judge for the Southern District of Ohio.

I am proud to say that I worked closely with my fellow Ohioan, Senator VOINOVICH, to establish a bipartisan selection process that resulted in the selection of Judge Black as a candidate for submission to the President.

I would like to thank the members of the Southern District Judicial Advisory Commission, particularly Mr. Paul Harris, Chair, for all their efforts in vetting numerous candidates for the nomination.

Of all the candidates reviewed for this vacancy, the commission was most impressed with Judge Black. The commission recognized his leadership, his commitment to legal excellence, and temperament as qualities that make Judge Black well-suited to serve in this capacity.

Judge Black has served the Southern District of Ohio with excellence for 6 years as a Federal magistrate judge. Before that, he spent a decade as a municipal court judge, and he also had a long career as a civil litigator.

In addition to his commitment to the legal profession, Judge Black has exemplified a commitment to service through his work as a coconvener of the Round Table, a partnership be-

tween the Black Lawyers Association of Cincinnati and the Cincinnati Bar Association to improve diversity and inclusion in the legal profession.

Additionally, his valiant efforts as vice president and member of the board of ProKids, an organization that represents abused and neglected children—Judge Black's service extends beyond the judges chamber and into neighborhoods and communities in which he lives and works.

President Obama nominated Judge Black last year, stating that he has the "evenhandedness, intellect, and spirit of service that Americans expect and deserve from their federal judges."

Judge Black is more than ready to serve and should be confirmed without delay.

The PRESIDING OFFICER. Is there further debate on the nominations?

If not, the question is, Will the Senate advise and consent to the nominations of Timothy S. Black, of Ohio, to be United States District Judge for the Southern District of Ohio, and Jon E. DeGuilio, of Indiana, to be United States District Judge for the Northern District of Indiana?

The nominations were confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, the President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010—Continued

Mr. DODD. Mr. President, I ask unanimous consent that the following be the next amendments in order: Bennet of Colorado amendment No. 3928; Corker amendment No. 3955; Merkley-Klobuchar amendment No. 3962, a side-by-side to the Corker amendment; that the Senate resume consideration of S. 3217; that Senator BENNET of Colorado be recognized to call up his amendment; that after his statement, the amendment be set aside and Senator CORKER be recognized to call up his amendment; that immediately after the amendment is reported by number it be temporarily set aside and Senators MERKLEY and KLOBUCHAR be recognized to call up their side-by-side amendment.

Mr. SHELBY. Mr. President, reserving the right to object, I ask the chairman, after the Corker amendment is disposed of, is it possible to bring up the Klobuchar-Hutchison amendment and have a debate and vote tomorrow?

Mr. DODD. After the side-by-side on Senators CORKER and MERKLEY—after that, I would be happy to set a time and either debate this evening and vote in the morning, however the Senators want to do it.