

I tell you, it brought the house down. I don't remember who else was there. I think Jimmy Carter was there. But I do remember that BOB BYRD was there.

When I came to the Senate, I thought: I cannot wait to see or hear him play that fiddle again. I learned that after his grandson died in an automobile accident, he said: I will never touch it again, in memory of my grandson. That is the kind of family commitment he made as well. He would sing and occasionally have a Christmas party downstairs, and a few of us would be lucky enough to get invited. He would sing. He was a man who had gone through some life experiences and family experiences that were very meaningful to him.

I remember another day when I was on the floor of the Senate and there was a debate about the future of the National Endowment for the Arts. Senator Ashcroft of Missouri wanted to eliminate the National Endowment for the Arts and take away all its money. I stood up to debate him. I was brandnew here, not smart enough to know when to sit down and shut up. I started debating: I thought it was wrong, the arts are important, so forth.

Through the door comes BOB BYRD. He walks in here and asks if he could be recognized. Everything stopped when he had asked for recognition. They said: Of course.

He said: I want to tell you what music meant to me. I was an orphan, and I was raised in a loving family. Early in life, they went out and bought me a fiddle. Music has always been a big, important part of my life. Out of nowhere, this man gives this beautiful speech, and then he quotes poetry during the course of the speech.

As one can tell, all of us who served with him are great fans of ROBERT C. BYRD and what he meant to this Senate and what he meant to this Nation. West Virginia has lost a great servant who was so proud of his home State. Time and again that was always the bottom line for him: Is this going to be good for the future of my little State of West Virginia? He fought for them and put them on the map in some regards and some projects. He was respected by his colleagues because of the commitment to the people who honored him by allowing him to serve in the Senate.

There may be a debate as to whether there is a heaven. If there is a heaven and they have a table for the greats in the Senate, I would ask Daniel Webster to pull up a chair for ROBERT C. BYRD of West Virginia.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### NOMINATION OF GARY SCOTT FEINERMAN

Mr. BURRIS. Madam President, very shortly, we are going to be voting on a judicial nomination. I come before this body to bring my thoughts on that action.

As a lawyer, as a former attorney general for the State of Illinois, I consider it a great privilege to evaluate and confirm nominees to the bench. The constitutional power of advise and consent is one this Senate must exercise with discretion. It determines the makeup of our judicial branch and helps preserve the principle of equal justice under law.

That is why I have come to the floor today in support of Gary Scott Feinerman, President Obama's nominee to become a judge for the Northern District Court of Illinois.

Gary is an Illinois native and a graduate of both Yale and Stanford Universities. Over the past two decades, he has worked extensively in private practice—most recently for Sidley Austin, the respected Chicago law firm. He has served in the public sector, as well as a clerk to the U.S. Supreme Court and counsel at the Department of Justice.

From 2003 to 2007, he was Solicitor General of the State of Illinois. That is the person who argues the cases on behalf of the attorney general before the highest court, whether in Illinois or in the Nation. He held that position with distinction, proving his commitment to the highest ideals of fairness and justice.

Time and again over the years, Gary Feinerman has demonstrated his competence in the legal profession. His training is without equal. His experience is second to none. That is why I am proud to support his nomination to the Northern District Court of the State of Illinois.

We must demand the very best of our public officials, especially those who are entrusted with lifetime appointments on the Federal bench.

These fine men and women are charged with interpreting a body of law that is constantly evolving. They must navigate a treacherous landscape, full of gray areas, to arrive at sound legal truth. The answers are seldom easy, but I have confidence in Gary Feinerman's ability to rise to this challenge. At every stage, he has proven his considerable intellect and his passion for the law. I am proud to join the President in calling for his swift confirmation. I ask my colleagues to join me in pledging to afford the nominee with a fair and timely vote to confirm him to the bench.

This body has a crowded legislative calendar in the months ahead, but cases have piled up in the Northern District of Illinois, and every single day more judicial nominees await as vacancies remain unfilled. Even as we consider Mr. Feinerman's confirmation today, another Illinois nominee, Judge Sharon Johnson-Coleman, awaits a similar up-or-down vote. We need to rise to our constitutional duty and vote on these nominees. We must waste no more time in allowing this fine public servant to get to work.

Let's put our judges to work. Let's confirm Mr. Feinerman now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first, I wish to thank the Senator from Montana for allowing me to make some brief remarks, and then I will turn to him.

I join my colleague, Senator BURRIS, in asking my colleagues on both sides of the aisle to vote in just a few moments on the nomination of Gary Feinerman to be U.S. district court judge for the Northern District of Illinois.

Gary Feinerman is one of the brightest lights in the Chicago legal community. He is a partner at one of Chicago's oldest and largest law firms, Sidley Austin, where he specializes in litigation and appellate work. Before that, he served as Illinois' solicitor general and represented our State in many very valuable and important appeals. He won five "Best Brief" awards from the National Association of Attorneys General, and he has argued cases before the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit, as well as the Illinois Supreme Court. Earlier in his career, Mr. Feinerman worked at the Chicago law firm of Mayer Brown and in the Justice Department's Office of Policy Development. He served as law clerk for Supreme Court Justice Anthony Kennedy and for Seventh Circuit Judge Joel Flaum. He is a leader in the Chicago legal community. He is the president of the Appellate Lawyers Association of our State and serves on Chicago's Constitutional Rights Foundation and the Midwest chapter of the Anti-Defamation League. He has also had a very active pro bono practice, which speaks well of his commitment as a professional.

Mr. Feinerman's academic record is also impressive. He graduated from Yale and Stanford Law School, where he finished second in his class. Not surprisingly, he received the highest possible rating of "well-qualified" from the American Bar Association for this commitment.

We currently have six—six—vacancies in the Northern District of Illinois. We need to fill them quickly so that we don't slow down the process of justice. I hope the Senate will confirm Gary Feinerman today and move very quickly to Justice Sharon Coleman, who is also on the calendar. Mr. Feinerman will be an excellent judge, and Judge Coleman will join him, with the blessing of the Senate, to start to fill these important vacancies.

Madam President, I yield the floor and again thank my colleague from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

REMEMBERING SENATOR  
ROBERT C. BYRD

Mr. TESTER. Madam President, I have a short speech to give today about a giant of a man. I rise today out of deep respect for our colleague, Senator ROBERT C. BYRD. Sharla and I extend our condolences to the BYRD family and to all the people of West Virginia. We join you in mourning but also in a celebration of his life and his successes as a public servant.

Senator BYRD liked to call me "the Mountain Man," and when somebody from the Mountain State calls you that, it is an incredible compliment.

Senator BYRD and I had a few things in common: We were both from very small towns, we both married our high school sweethearts, and we both made a living at one time as meat cutters. He must have had an eye for the butchering business because he liked to guess my weight. And wouldn't you know, he always came within 3 pounds. You could say Senator BYRD convinced me to spend a little more time in the gym.

Senator BYRD was elected to Congress 4 years before I was even born, and he always shared his wisdom with those of us who admired it. I am honored to call Senator BYRD a respected teacher and a trusted friend.

I was Presiding Officer on the day the farm bill came before the Senate. Instead of signing the farm bill himself, Senator BYRD let me sign the bill. Although it went unspoken, I know it was because he saw me as the farmer in the Senate. It was truly an honor for me to be able to do that.

Another thing Senator BYRD and I had in common was our upbringing in rural America. He was always proud to fight for folks making a living off the land and in the mountains and in the woods. He was a powerful advocate, and he represented West Virginia with tireless passion. He valued hard work and common sense. Those values are a matter of survival in America. They are values you take with you as you go to Congress, and Senator BYRD showed us that.

Madam President, we will miss Senator BYRD very much. His work over the decades on the Hill has made the entire country a better place for us and for our kids and grandkids.

Before I came to Capitol Hill 3½ years ago, many folks came up to me and said: You are going to have an experience of a lifetime. You will meet some incredible people.

And I will tell you that one of the most incredible men I have met since I have been here was Senator BYRD.

We miss you.

I yield the floor.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GARY SCOTT  
FEINERMAN TO BE UNITED  
STATES DISTRICT JUDGE FOR  
THE NORTHERN DISTRICT OF IL-  
LINOIS

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

The legislative clerk read the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be for debate on the nomination, with the time equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. TESTER. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

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

Mr. TESTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mrs. BOXER are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, today the Senate is proceeding on only one of the 23 judicial nominees stalled by Republican obstruction from action by the Senate. The nominee the Senate will confirm tonight has been stalled for more than 10 weeks, even though his nomination was reported without a single objection from the Judiciary Committee on April 15. There are eight other judicial nominees who have been stalled for at least as long, or longer, and nominees who were favorably reported last year, last November, still being obstructed.

This confirmation was needlessly delayed for no good purpose. The services of this judge are sorely needed in the Northern District of Illinois. I congratulate Mr. Feinerman and his family on his confirmation today.

The Senate Republican leadership refuses to enter into time agreements on pending judicial nominations. That stalling and obstruction is unprecedented. They refuse to enter into a time agreement to consider the North Carolina nominees to the Fourth Circuit, who were reported in January, de-

spite the fact that one was reported unanimously and one with only a single negative vote. They refuse to enter into a time agreement to debate and vote on the Sixth Circuit nominee from Tennessee who was reported last November. I have told Senator ALEXANDER that all Democrats are prepared to vote on that nomination, and have agreed to do so since November. It is his own leadership that continues to obstruct the nominee.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. A useful comparison is that in 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 22 so far—72 to 22.

In the first 2 years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far in the first 2 years of the Obama administration, the Republican leadership has successfully obstructed all but 34 of his Federal circuit and district court nominees—100 to 34. We confirmed twice that many in just 2002. Meanwhile Federal judicial vacancies around the country hover around 100.

By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations two months earlier than did President Bush, the Senate has to date only confirmed 34 of his Federal circuit and district court nominees—57 to 34.

Last year, Senate Republicans refused to move forward on judicial nominees. The Senate confirmed the fewest judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure, the Republican obstruction is a disaster for the Federal courts and for the American people.

To put this into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, 1994, or Republican, 1982, 1990, 2002, and whether