

into question his legitimacy to lead that country. The killing of innocent civilians must stop now before this becomes another Rwanda.

In light of these facts, I request that you convene a hearing as soon as possible into this atrocity committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Based on the evidence I have seen, and having spoken with various African dignitaries, I brought this issue of fraudulent elections in Cote d'Ivoire to the attention of Secretary of State Clinton on two occasions spanning the past few months. I called for the United States to support new elections there, but thus far, these efforts have received an inadequate response. Based on the news that Ouattara has murdered 1,000 people in Duekoue, I hope the U.S. will reconsider its position and that you will hold this hearing.

The United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing a mass slaughter of Ivoirians, especially the hundreds of youth with sticks and baseball bats, who have formed a human chain around Gbagbo's residence and presidential palace.

I know your plate is full now regarding the situation in Libya, but I know you are sensitive to this situation and hope you will hold this hearing.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.

Mr. INHOFE. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET.) Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JIMMIE V. REYNA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIR- CUIT

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

The assistant bill clerk read the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

The PRESIDING OFFICER. Under the previous order, there be will 1 hour of debate equally divided and controlled between the two leaders or their designees.

Mr. LEAHY. Mr. President, I ask unanimous consent that, however the time is divided, the vote begin no later than 5:30.

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

Mr. LEAHY. Mr. President, I thank the majority leader for beginning another work week by scheduling a con-

firmation vote on an important judicial nomination. The nomination of Jimmie V. Reyna to the Federal circuit was reported unanimously by the Judiciary Committee on March 10. I expect his nomination to be confirmed with strong bipartisan support, likely unanimously.

That is also true of many of the other judicial nominations pending on the Senate's Executive Calendar, including several for what have been designated judicial emergency vacancies in New York, California, Florida and Tennessee. With nearly one out of every nine Federal judgeships vacant, we should act responsibly to address this vacancies crisis by voting promptly on nominations favorably reported by the Judiciary Committee. After this confirmation today, the nominations of another dozen judges and that of the Deputy Attorney General of the United States will remain pending and awaiting Senate consideration and final Senate action. Several of the judicial nominations and that of the Deputy Attorney General have been waiting final Senate action since last year.

At his confirmation hearing in February, Mr. Reyna was introduced to the Judiciary Committee by both of his home State Senators, Senator MIKULSKI and Senator CARDIN of Maryland. Senator CORNYN of Texas, a Republican, also joined Senator CARDIN in recommending Mr. Reyna to President Obama. When he is confirmed, Mr. Reyna will become the first Latino to serve on the U.S. Court of Appeals for the Federal Circuit. A past president of the Hispanic National Bar Association, Mr. Reyna has excelled in private practice for 30 years, specializing in international trade law. He was unanimously rated by the American Bar Association's Standing Committee on the Federal Judiciary as well qualified to serve on this court, its highest possible rating.

The Judiciary Committee received letters of support for Mr. Reyna's nomination from the Customs and International Trade Bar Association, CITBA, and from the former Chairs of the ABA Section of International Law. In its letter, CITBA described Mr. Reyna's temperament as "ideal" and commented that "[h]e is fair and focused and he has dedicated his life not just to practice in this field of law, but to scholarly writing in this field." The former Chairs of the ABA Section of International Law write that they "believe he has the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment that would enable him to serve on the Court of Appeals for the Federal Circuit with distinction and honor."

Mr. Reyna's nomination demonstrates President Obama's commitment to working with Senators to select well-qualified nominees, and his commitment to increasing diversity on the Federal bench. It is appropriate that we are considering Mr. Reyna's nomination in a timely manner. There is no reason it should take weeks and

months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Mr. Reyna's nomination is one of 13 judicial nominations currently awaiting a Senate vote after being favorably reported by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the United States Court of Appeals for the Second Circuit and Michael Simon to fill a vacancy on the District Court in Oregon. Another has been reported favorably three times with bipartisan support, that of Jack McConnell to the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, a second judicial emergency vacancy in California, judicial emergency vacancies in New York, Tennessee, and Florida, two vacancies in Virginia, and a vacancy in New Jersey. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominations ready for final Senate action.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 95 over 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in August 2009 and staying above that level since. The vacancy rate which we already had reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008, has now risen back up to nearly 11 percent.

This high level of vacancies puts at serious risk the ability of all Americans to have a fair hearing in court.

The real price being paid for these unnecessary delays in filling vacancies is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

A recent article in the Harrisburg, PA, Patriot News entitled "Senior judges ease 'a very serious shortage,'" illustrates the extent of this burden. The article focuses on Senior Judge Malcolm Muir of the Middle District of Pennsylvania who, "[a]t age 96 . . . still comes to work every day, minus the occasional holiday. Hearing problems keep him out of the courtroom, but his workload hardly has decreased." Judge Muir could long since have entered his well-deserved retirement. But it is good he has not because, according to the article, "[i]n the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors," including one who joined the bench in 1962. This is not only a local issue. I know courts in Michigan, Illinois, the District of Columbia, Arizona and elsewhere across the Nation have faced similar problems. According to the Patriot News, "nationwide, senior judges handle 21 percent of the federal court's caseload." I ask that a copy of this article be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1)

Mr. LEAHY. I am grateful to the senior judges who are willing to step in and take large caseloads, and to the active judges who continue to work hard to keep the courts functioning, but the Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others, including the President of the United States, have spoken out and urged the Senate to act.

We should follow the model we are following today by considering and confirming the President's nominations to the Federal bench in a timely manner. President Obama has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All 13 of the nominations on the Executive Calendar have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up or down vote after being considered by the Judiciary Committee, and without weeks of needless delay.

I have thanked the Ranking Republican on the Judiciary Committee, Sen-

ator GRASSLEY, for his cooperation this year. I see him taking credit for what he calls "our rapid pace." I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated. I hope he will work with me so that we can continue not only to report nominations, but to vote on them in the Senate.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to just over 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 75 of President Obama's Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered and reported last month and hope that we can continue to work to restore regular order in considering judicial nominations. I would hope that we could clear the calendar of nominees before the next recess and that at a minimum the Senate proceed to confirm those who will be confirmed unanimously. If we join together we can make real progress by considering all of the judicial nominations now on the Senate's Executive Calendar.

I congratulate Jimmie Renya and his family on his confirmation today.

[From Pennlive.com, Mar. 23, 2011]

SENIOR JUDGES EASE 'A VERY SERIOUS SHORTAGE'

(By Matt Miller)

Judge Malcolm Muir leads a group of new U.S. citizens in the oath of allegiance during a naturalization ceremony at the U.S. Courthouse and Federal Office Building in Williamsport, Pa.

At age 96, long after his contemporaries have retired, U.S. Middle District Senior Judge Malcolm Muir still comes to work every day, minus the occasional holiday.

Hearing problems keep him out of the courtroom, but his workload hardly has decreased.

Muir is inundated with Social Security appeals. He handles most of those types of cases for the entire district, which spans Pennsylvania's core.

"Some of those files are large," Muir said. "I just got one last week that was 7 inches thick."

It is likely that without Muir and other senior judges, the federal court system would implode.

Those jurists have agreed to keep presiding with no extra pay long after they could have stepped comfortably into retirement.

Nationwide, senior judges handle 21 percent of the federal court's caseload. In the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors. The longest-serving senior judge in the district, William J. Nealon, joined the bench in 1962.

Muir is the nation's fourth-oldest serving federal senior judge.

Senior judges are particularly vital given that more than 90 federal judgeships across the nation—10 percent of regular full-time posts—remain unfilled, often because of political wrangling in Washington, D.C.

Judicial appointments are recommended by the president but require congressional sanction.

In the Middle District, which serves 33 of the state's 67 counties, there are three regular judge vacancies. President Barack Obama has made a recommendation to fill only one of them, with Scranton labor lawyer Robert David Mariani.

Senior Judge Richard P. Conaboy, who like Muir helps keep the Middle District running, said he checked on the status of Mariani's appointment recently and was told "there is no movement at all."

"It's frustrating," the 86-year-old Conaboy said. "The cases keep piling up. We have much more civil rights, employment discrimination and immigration lawsuits."

There is no question that the court is busier than when he was appointed to the bench during the Carter administration in 1979, he said.

He also noted there were no senior judges then.

Yvette Kane, chief judge of the Middle District, said "the wheels would stop turning" for her court if the senior judges abandoned their essentially volunteer service.

The district, which logs 2,500 new case filings each year, is experiencing "a very serious judicial shortage" and needs to have its three judicial vacancies filled, Kane said.

She said she is requesting that a seventh judgeship be added to the court's roster. The 3rd U.S. Court of Appeals has approved the proposal, Kane said, and if backed by the U.S. Judicial Conference this year, it would go to Congress.

"This district is already underserved" in terms of judges, she said, noting that her court ranks 12th in the nation among federal courts in terms of trial activity.

The three regular judge vacancies on her court arose when Judges James Munley and A. Richard Caputo in the Scranton division took senior status in January and March 2009, respectively, and Judge Thomas I. Vanaskie was elevated to the 3rd Circuit Court last April.

Larry Smar, deputy chief of staff for U.S. Sen. Robert P. Casey Jr., D-Pa., said his boss and former Sen. Arlen Specter submitted three names of judicial candidates for the state's Middle and Western District courts to the president last year.

Smar said Casey and Specter's successor, Sen. Pat Toomey, is "currently working on establishing a process moving forward" to fill the remaining court vacancies.

Kane said her court received a major blow in December with the death of 79-year-old Senior Judge James F. McClure Jr., one of the district's younger senior judges.

"He was a workhorse," she said.

Without McClure, Kane said, the court's regular judges have had to travel more often among the district's offices to cover the caseload.

Despite their obvious value, McClure's loss highlights the tenuous nature of the reliance on senior judges, she said.

"No one knows how long they're going to be able to do this," Kane said.

Being short-staffed on regular judges has its effects, especially because the senior judges often "are not able to travel or manage trial dockets as they once did, and should not be expected to do so," she said.

"Although we're going to get the work done, it's not ideal for the litigants," Kane said. "It results in delays."

Three midstate attorneys who practice regularly in federal court—John Abom, Dennis Boyle and Karl Rominger—said they haven't experienced delays in the handling of cases.

"Decisions are rendered in a quick period of time," said Abom, who has appeared before federal judges since 1999.

Rominger said the experience of the seniors brings value. "The senior judges are the court's institutional memory," he said.

Some might wonder why senior judges stay on when they could retire and escape their often crushing caseloads.

They are paid \$174,000 annually for the rest of their lives regardless of whether they stay or go, so senior judges make no extra money by continuing to work.

Conaboy said the need to fill the Middle District judge vacancies is desperate.

"It is a crisis here in our district," he said, noting that senior judges do at least 80 percent of the work in the Middle District's northern zone, which is centered on Scranton.

Yet Conaboy said he wouldn't walk away even if all the judge vacancies were filled.

"I work every day. I'm not complaining because I've always had an interest in the workings of the justice system," he said. "I want to see that the system works properly."

That's one of his motivations for continuing to weigh cases. The other, he said, is that "there's no one else to do the work."

Still, senior judges are not a limitless resource, Conaboy said.

"When you're 86, how long can you go on?" he asked. "We'd like to lighten our workloads. Trial work gets to be a much greater burden as you get older."

Mr. LEAHY. I see the distinguished Senator from Tennessee. I am going to suggest the absence of a quorum to speak with him for a moment before he speaks.

I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING FORMER GOVERNOR NED MCWHERTER

Mr. ALEXANDER. Mr. President, it is my sad responsibility to announce that former Gov. Ned McWherter of Tennessee has died this afternoon. Ned had many friends here in Washington, but he had a lot more in Tennessee.

What symbolized Ned McWherter to me was a story that occurred to me when I was elected Governor in 1978. I was a young Republican, about 37 years old. There hadn't been many Republican Governors in Tennessee at that time. The whole State was one party. It was very Democratic. Ned McWherter was the speaker of the House. For those who knew Ned McWherter, he was a big, burly, Hoss Cartwright sort of fellow. He and the Lieutenant Governor, a Democrat, pretty well ran the capital.

Shortly after I came in, the Capitol Hill media came up to speaker Ned McWherter and said: Well, Mr. Speaker, what are you going to do with this new young Republican Governor?

Speaker McWherter said: I am going to help him, because if he succeeds, our State succeeds.

For 8 years, as he was speaker and I was Governor, he did that. The people of Tennessee apparently didn't mind it because after I left, they elected him Governor. He served for 8 years. That sort of bipartisan cooperation was the way I learned about politics in Tennessee. Ned was a pretty thoroughgoing Democrat. He was one of President Clinton's closest friends and early allies. Democrats all around the country came to him for his homespun advice. He had no problem working hard during election time to put legislators who were Democratic in place of Republicans who were already in their seats. That was not a problem for him. But in between elections, he knew what to do. We would meet in the Governor's office every Tuesday morning, and we would go over the issues, the Republican Governor and the Democratic leaders. Then we would decide what to do. If I came up with a better schools program, the Democrats would come up with an even better "better schools" program. So when Tennessee became the first State to pay teachers more for teaching well on a Statewide basis in 1984, I made the proposal, but it was the result of a bipartisan education commission that Speaker McWherter and Lieutenant Governor Wilder, both Democrats, and I jointly agreed on. When the legislature agreed to it, I may have proposed it as Governor, but it was amended by the Weakley County amendment, which was the home county of Speaker McWherter. In other words, it was his willingness to fashion a consensus bill on a revolutionary idea at the time, to reward outstanding teachers by paying them more for teaching well.

He did the same thing with highways and roads. Tennessee had one of the worst road systems in the country in the early 1980s. By the time we were finished, we had what the truckers called the best. We had three big road programs. We increased revenues to pay for it so we didn't run up any debt. In every case, Speaker McWherter supported and made sure legislation passed.

When we became a State that attracted Japanese industry, he knew the commitments I made as a Republican Governor he would fulfill as a Democratic leader of the House of Representatives and that he would continue as a Democratic Governor. It was a seamless transition. The same was true with the automobile industry when it had begun to come to Tennessee. People began to look around for a central location with a right-to-work law and good working people. Through a succession of Governors—Republican, Democratic, Republican, Democratic—we worked together to do that.

Of special interest to Washington, DC, right now, through all those Democratic and Republican Governors, we agreed our State would have almost no debt. Under Governor McWherter and Speaker McWherter, our State had almost no debt. If we needed something, we paid for it. As a result, we have low taxes.

Ned McWherter was one of the finest public servants I ever had a chance to work with. He became a close friend. He had an infectious personality and great sense of humor. One of the last visits I had with him included the inauguration of the new Governor, Bill Haslam. Ned McWherter, who was 80 years old, and Jim Haslam, father of the new Governor, were the same age and the best of friends. Their sons competed for the right to be the new Governor of Tennessee. Governor McWherter and Jim Haslam, after the election, were the best of friends. That is the kind of person Ned McWherter was.

There are a lot of people in our State who come in and out of politics. Maybe they are appreciated, maybe they are not. Only a few leave a lasting impression. Ned McWherter will be among the very few who leave the most impression. Part of it was his big, burly, infectious, lovable personality. Part of it was his good sense of politics and openness around the State capital. But a lot of it was his willingness to say to people such as a new young Governor of the opposite party: I am going to help you succeed, because if you succeed, our State succeeds.

Governor McWherter and I talked many times. I talked with him most recently about 1 week ago. He was going to see his doctor again to find out whether, as he said, he had a short fuse or a long fuse. Apparently, he had a short fuse. He didn't have much life left in him, although he may not have known it. Perhaps he did. He used to joke and say the size of the crowd at your funeral will depend a lot on the weather. I think all of us in Tennessee would say the size of the crowd at Ned McWherter's funeral will have nothing to do with the weather, because I imagine it will be standing room only, with people pouring out of the back doors.

We are sad he is gone. But it has been 80 remarkable years. The Governor who never graduated from college is the Governor who had the courage to put into State law the Sanders model for relating student achievement to teacher performance, helping our State win this administration's Race to the Top Award some 15 or 20 years later. He made a real contribution to our State. He has a big place in all our hearts. I am sad to report he is gone. But it is an important time to celebrate the life of a public servant whose lessons of how to achieve consensus and still be a good politician will be a good lesson for everyone in Washington, DC.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided between the parties.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today our body, the Senate, is going to vote to confirm the 15th judicial nominee for this year. If it seems to my colleagues and to the public that we have been voting on a nominee every week, well, we have been voting on a nominee at least once a week. Both in committee and on the floor, judicial nominees have regularly appeared on the Senate's agenda. We have taken positive action on 34 of the 61 judicial nominees submitted to this Congress by President Obama. We continue to hold hearings every 2 weeks to examine the nominees' records and to receive testimony. The committee meets every week to report nominees to the floor. So far, the committee has reported 27 nominees, which is ahead of the 23 reported by this same time in the 108th Congress.

This demonstrates my commitment and the commitment of Republicans on the Judiciary Committee to cooperate with the chairman to move forward on consensus nominees. Even as we do so, we continue to thoroughly examine the records and the qualifications of all nominees, which is the responsibility of the Senate.

I would note that a number of judicial nominations and at least one executive branch nomination which remain on the Senate's Executive Calendar are controversial in nature—in other words, not the consensus approach which I have spoken about concerning other nominees to the judiciary. I appreciate the efforts of our leadership to move in a timely manner the nominations which are consensus nominees.

Today, we will vote on the nomination of Jimmie V. Reyna to be a U.S. circuit judge for the Federal Circuit. Mr. Reyna received his B.A. from the University of Rochester and his juris doctorate from the University of New Mexico School of Law.

After graduating from law school, the nominee served as law clerk for a firm and as an associate at an insurance defense firm in New Mexico. It was in 1981 that Mr. Reyna formed his own firm and practiced plaintiff injury, civil rights, and criminal law. He then moved to the Washington, DC, area in 1986 and worked at an international trade firm, eventually making partner of that law firm. Mr. Reyna continues to specialize in international trade matters with the firm of Williams

Mullen, where he directs the international trade and customs practice group and the Latin American Task Force.

The American Bar Association has rated this nominee unanimously "well qualified," and of course I am pleased to support that nomination.

The Federal Circuit is unique among the courts of appeal. It is not geographical-based but has nationwide subject matter jurisdiction in designated areas of the law. In addition to international trade, the court hears cases on patents, trademarks, government contracts, certain money claims against the U.S. Government, veterans' benefits, and public safety officers' benefits claims.

Of particular interest to me, this court has exclusive jurisdiction over cases related to Federal personnel matters. That includes exclusive jurisdiction over appeals from the Merit Systems Protection Board, which hears whistleblower cases under the Whistleblower Protection Act. If anybody wonders why this Senator said that I have a particular interest in this court and what it does on Federal personnel matters, it is because I have been a long-time advocate for whistleblower protection legislation and have been involved with my colleagues in this body in passing some of that whistleblower protection legislation.

I congratulate Mr. Reyna and his family on this important lifetime appointment.

Thank you, Mr. President. I yield the floor.

Mr. CARDIN. Mr. President, I rise in support of the nomination of Jimmie Reyna to be a U.S. Circuit Judge for the United States Court of Appeals for the Federal Circuit. I had recommended that Mr. Reyna be nominated.

Mr. Reyna comes to the Senate with 23 years of experience in international trade law. Mr. Reyna currently is a partner in the Washington, DC, office of Williams Mullen. Mr. Reyna directs the firm's Trade and Customs Practice Group, as well as the firm's Latin America Task Force, and has also served for several years on his firm's board of directors, where he currently serves as vice president.

In his practice, Mr. Reyna handles matters before the various federal agencies, and represents clients before the Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and foreign governmental, administrative, and judicial bodies. He also serves on the roster of dispute settlement panelists for trade disputes under the North American Free Trade Agreement and the World Trade Organization Dispute Settlement Mechanism.

Mr. Reyna has also authored several articles and two books on international trade issues, and his third book on the subject is due to be published this spring. His experience in trade law would bring important expertise to the

Federal circuit, a unique court with nationwide jurisdiction that deals with many trade law issues and yet currently lacks a trade specialist.

Mr. Reyna was admitted to the New Mexico Bar in 1979 and the District of Columbia bar in 1994. He received his J.D. from University of New Mexico School of Law and his BA from University of Rochester. The American Bar Association's Standing Committee on the Federal Judiciary evaluated Mr. Reyna's nomination and rated him unanimously well qualified, the highest possible rating.

Mr. Reyna's personal history is compelling. Born in New Mexico to a modest family, his missionary parents instilled in him a belief that all people are equal, a principle he has exemplified in his work to ensure that all people are treated fairly in our legal system. After law school, he worked as a litigator at a firm in Albuquerque and later established his own practice dealing with domestic relations, civil rights, tort, and criminal defense matters. In his practice, he often represented clients pro bono, devoting a large portion of his time to providing advice and representing individuals who could not afford legal assistance.

A few years later, Mr. Reyna moved with his family to the Washington, DC metro area, where he built his well-regarded career in international trade.

Mr. Reyna has continually proven that he is an outstanding and civic-minded person. Mr. Reyna is a well-known national leader in U.S. Hispanic affairs. He has held various leadership positions in the Hispanic National Bar Association, HNBA, including national president, vice president of regional affairs, regional president, and chair of the International Law Committee. During his term as national president of HNBA, Mr. Reyna launched the association's first-ever community outreach program called "The Promise in the Law," which was designed to instill trust and confidence in the U.S. legal system by the Hispanic communities. Mr. Reyna also created "The HNBA Journal of Law and Policy," the HNBA's first law journal, which addresses policy and legal issues affecting the Hispanic community. Currently, he serves on the board of directors of the National Hispanic Leadership Agenda, an organization that includes the country's 29 largest leading Hispanic organizations.

Mr. Reyna is also a founder and a member of the board of directors of the U.S.-Mexico Law Institute. He has received multiple awards for his service to the Hispanic community, including the 2009 Ohtli Medal Award, Mexico's highest award for a non-Mexican citizen. Through his work, Mr. Reyna has strived to ensure that members of disadvantaged communities are informed about the law, that the legal community is prepared to handle the legal challenges facing the growing Latino community, and that the judiciary remains strongly independent, impartial, and accessible to all.

Mr. Reyna's civil service is not limited to his work for the Hispanic community. He has been recognized by the Court of International Trade for his extensive pro bono work before that court. He also serves on the board of directors of the Community Services for Autistic Adults and Children Foundation.

Mr. Reyna's nomination would also bring much-needed diversity to the Federal circuit. Throughout his career, Mr. Reyna has shown a strong commitment to diversity and racial equality, not only through his service to the Hispanic community, but also through his service on the ABA Presidential Commission on Diversity in the Legal Profession, and as chair of the Williams Mullen Diversity Committee. If Mr. Reyna is confirmed, he would be the first Latino to serve on the Federal circuit in its history. With the nomination of Mr. Reyna, the Senate has another opportunity to further increase the diversity of the Federal bench.

Because of his vast qualifications, Mr. Reyna's nomination has received support from various organizations and individuals, including the HNBA and the Congressional Hispanic Caucus. Additionally, seven former chairs of the American Bar Association Section on International Law wrote a letter of endorsement for Mr. Reyna, affirming that Mr. Reyna has "the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment" to serve on the Federal circuit.

And, last but certainly not least, Mr. Reyna is a resident of Silver Spring, MD, and a constituent of mine.

In conclusion I urge the Senate to confirm Mr. Reyna's nomination to be a U.S. circuit judge for court of appeals for the Federal circuit.

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. REED), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho

(Mr. RISCH), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—86

Akaka	Ensign	Menendez
Alexander	Enzi	Mikulski
Ayotte	Feinstein	Moran
Barrasso	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Paul
Blumenthal	Hatch	Portman
Blunt	Hoeven	Pryor
Boozman	Inhofe	Reid
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Kohl	Shaheen
Casey	Kyl	Shelby
Chambliss	Landrieu	Snowe
Coats	Leahy	Tester
Coburn	Lee	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden
Durbin	McConnell	

NOT VOTING—14

Conrad	Klobuchar	Stabenow
DeMint	Lautenberg	Toomey
Graham	Merkley	Vitter
Hutchison	Reed	Wicker
Kirk	Risch	

The nomination was confirmed.

• Ms. KLOBUCHAR. Mr. President, I regret that a commitment in Minnesota has prevented me from being able to cast my vote in support of Mr. Jimmie V. Reyna's confirmation to be a judge on the U.S. Court of Appeals for the Federal Circuit. I believe that Mr. Reyna has the stellar qualifications, intellectual capability, temperament and integrity that are the hallmarks of our finest federal judges. Had I been present this evening, I would have cast my vote in support of Mr. Reyna.

I had the pleasure of being introduced to Mr. Reyna last year by Peter Reyes, a constituent of mine who is an intellectual property lawyer and a leader in the Minnesota Hispanic Bar Association. Upon meeting Mr. Reyna, it was easy to see what the American Bar Association later confirmed when it unanimously gave him the highest possible rating for a judicial nominee: he is well qualified. I know that Mr. Reyna's three decades of experience in private practice focusing on international trade issues will serve him well given the Federal circuit's unique jurisdiction. I congratulate Mr. Reyna on his confirmation. •

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Delaware is recognized.

MORNING BUSINESS

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

COLLECTIVE BARGAINING RALLIES

Mr. COONS. Mr. President, I rise today to speak about the rallies that have occurred all over this country today, and to add my voice to theirs. Today, Americans in all 50 States are gathering at hundreds of rallies and events to stand together in unity in defense of the collective bargaining rights of public employees—rights I believe are now under attack in Wisconsin, Ohio, and in other States across this country.

That those demonstrations have been held today is no mere coincidence, for on this very day, 43 years ago, the Reverend Dr. Martin Luther King was killed in Memphis, TN, while standing up for the rights of 1,300 public sanitation workers.

Working men and women gathered early today in Wilmington to declare "We Are One," and within the hour of this speech, thousands more will gather in Madison, WI, to protest what in my view is the scandalous move of Governor Walker to strip Wisconsin's longstanding collective bargaining rights from public-sector employees.

Before coming to this body, I served as the county executive of New Castle County, DE, for 6 years. And before becoming Governor of Wisconsin, Governor Scott Walker was also the county executive of Milwaukee County for 8 years. I understand the difficult choices executives face when they must adopt a balanced budget, even in the toughest of economic and fiscal times, for as county executive I too faced extremely difficult budget challenges, as did the Presiding Officer as the Governor of West Virginia.

But I rise today because I know from my experience in cutting spending and in balancing budgets that it can be done without stripping American workers of their fundamental rights to organize and to collectively bargain. I know it because I have done it through collective bargaining and without resorting to blaming and draconian anti-union legislation.

New Castle County, DE, is a mid-sized county government serving just over ½ million people and has a budget of about \$230 million. As the county executive, I confronted a real and growing budget problem. Our housing boom