

out this will be the last time in the next 10 days that he and I are going to be on the same side because, of course, the mighty Texas Rangers are going to meet the St. Louis Cardinals in the World Series very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak as in morning business.

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to address the Senate regarding judicial nominees from Pennsylvania.

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

#### THE EXECUTIVE CALENDAR

Mr. TOOMEY. Mr. President, I rise to offer my full support for the nomination of Judge Cathy Bissoon to serve as a U.S. district judge for the Western District of Pennsylvania. But before I begin, I would like to quickly express my appreciation to my colleague, Senator CASEY, whom I see across the Chamber at this moment, to thank him for his collaboration in our joint efforts to fill the vacancies on the Federal bench from Pennsylvania.

As I think many of our colleagues would agree, the confirmation of Federal judges is one of the most important constitutional functions of any Member of the Senate. Since I was sworn in, Senator CASEY and I have worked together on a bipartisan basis to identify and advance qualified candidates for the Federal bench. As part of this effort, I have supported President Obama's three district court nominees for Pennsylvania, even though they were first appointed before I was sworn in to the Senate. I am pleased this spirit of cooperation has led to today's confirmation vote for Judge Bissoon. I remain hopeful we will have a number of confirmation votes in the very near future as Senator CASEY and I continue to work together to recommend qualified individuals to serve on the Federal bench.

A quick couple words about Judge Bissoon. She was nominated last year following the recommendations of Senators CASEY and Specter and was renominated by the administration in January. Judge Cathy Bissoon has had a distinguished career in the law. She was born and raised in New York City, where she attended Alfred University and graduated summa cum laude with a degree in political science. She earned her law degree from Harvard University before moving to Pittsburgh to join Reed Smith, an international law firm, where she has practiced labor and employment law in particular. She went on to clerk for Chief U.S. District

Judge Gary Lancaster and later returned to Reed Smith to be a partner in 2001. Judge Bissoon left private practice in 2008 to assume her current position as magistrate judge for the Western District of Pennsylvania. Her strong work ethic, discipline and, in particular, her experience in labor and employment law make her well qualified to preside over cases in the Western District of Pennsylvania, a district with a heavy employment caseload.

Earlier this year, I had the opportunity to sit down with Judge Bissoon and learn more about her legal philosophy. She stressed to me in that conversation that she understands very well a judge's role is to enforce the law as written, regardless of the judge's personal beliefs about that law. Chief Justice Roberts came up with a metaphor for this which has become rather famous, in which he described the role of a judge as an official on the playing field but not one of the players. Judge Bissoon confirmed that is exactly her view of the role of a judge, that it is the role of a legislator, branched together with the executive, to pass the law and the role of the judge to enforce the law impartially. I am confident she understands that role, has internalized that and would bring that, as well as a great degree of experience and judicial acumen, to this very important role. That is why I am supporting her nomination.

Following a hearing before the Senate Judiciary Committee, Judge Bissoon was unanimously approved by the committee back in July. I have strong confidence in Judge Bissoon's ability, and I encourage my Senate colleagues to join me in confirming her as a Federal district judge for the Western District in a vote that will be occurring later this evening.

In addition to Judge Bissoon's nomination, I would like to briefly express my support for two other Pennsylvania nominees who were also unanimously approved by the Judiciary Committee back in July. I hope they will each receive floor consideration very soon.

Mark Hornak, a nominee for the Western District of Pennsylvania, graduated from the University of Pittsburgh, where he was recognized as a National Merit Scholar. He went on to graduate summa cum laude from the University of Pittsburgh School of Law, where he served as editor-in-chief of the Law Review and was awarded the Order of the Coif.

Following graduation, he served as a law clerk to the Honorable James Sprouse, U.S. circuit judge for the Fourth Circuit. Since 1982, he has practiced labor and employment law at Buchanan Ingersoll & Rooney. Throughout Mr. Hornak's career, he has been a careful student of the law and has demonstrated an intellectual curiosity and commitment to integrity, which I know will serve him well if he is confirmed to the bench.

Finally, Robert Mariani is a nominee for the Middle District of Pennsyl-

vania. He graduated cum laude from Villanova University, received his J.D. from Syracuse University College of Law. Following graduation, he established the law firm of Mariani & Greco, where he began a career as a civil litigator in the Scranton area and has done that for about three decades.

He is a respected member of the Scranton community. He was nominated for a State superior court seat in 1993 by then-Gov. Robert Casey, Sr. He served as a mediator or arbitrator for a variety of legal matters and currently is sole shareholder of Robert D. Mariani, P.C., with a focus on employment and labor law. Mr. Mariani's diligence, professionalism, and knowledge of the law would be an asset to the bench.

Earlier this year, I had the opportunity to meet separately with both Mr. Hornak and Mr. Mariani and I am very confident of their intellect, their experience, their integrity, temperament, commitment to public service, and to their understanding of the proper role of the judge. I believe these character traits and this range of experience will enable them to serve the people of Pennsylvania. I am, therefore, pleased to rise to speak on their behalf and to urge all my colleagues to support their confirmation.

Mr. LEAHY. If the Senator will yield on that point, he is absolutely right. They were reported unanimously from the Senate Judiciary Committee on July 21. They were cleared that day on the Democratic side. We were perfectly willing to bring them up and voice vote them that day or the next day or the day after. We were perfectly willing to have a vote in August before we went out. We were perfectly willing to have them voted on in September. We were perfectly willing to have them voted on early, in early October because of the Senator's support and Senator CASEY's support. For some reason, that was not cleared on the Senator's side of the aisle. I will be happy to work with my friend from Pennsylvania—after all, we each have the same first name—and we will try to clear them. What the Senator said about them is absolutely true. These are the kind of judges—whether we have a Republican or Democratic President, they would be proud to have them on the bench, and I pledge to work with both Senators from Pennsylvania to get them through.

Mr. TOOMEY. I thank the chairman.

It is my understanding we are going to vote this evening on Judge Bissoon, and I would certainly enjoy the opportunity to work closely with the chairman to ensure that we could have votes as soon as possible on the other nominees.

I yield the floor.

## EXECUTIVE SESSION

## NOMINATION OF CATHY BISSOON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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 assistant legislative clerk read the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to the Western District of Pennsylvania, one of 27 judicial nominations reported favorably by the Judiciary Committee and on the Senate's Executive Calendar awaiting a vote. Like 24 of those 27 nominations, the nomination of Judge Bissoon was reported unanimously by the Judiciary Committee, with every Republican and every Democrat voting in support. Judge Bissoon is supported by both of her home State Senators, Senator CASEY, a Democrat, and Senator TOOMEY, a Republican. I am glad we are finally able to vote on this nomination nearly 3 months after it was reported. I have heard no reason or explanation from the Republican leadership for this delayed action.

There is no good reason or explanation for the Republican leadership's refusal to vote on the other two dozen consensus nominees stalled before the Senate, while a judicial vacancies crisis continues to affect the Federal courts and hurt the American people. These are all nominations that have gone through an extensive process. They were considered by the White House and vetted before the President nominated them. The White House has worked with the home State Senators, Republicans and Democrats, and each is supported by both home State Senators. The FBI has conducted a thorough background review. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. The Judiciary Committee has held a hearing on each nominee, and each has responded to extensive questioning. When they are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

With Republican agreement, we could vote not just on one district court nomination, but on all 27 of the nominations reported by the Committee. I trust that the Senate will be allowed to confirm additional judicial nomina-

tions this week, before the upcoming recess, so that we can begin to build on the agreement by the Senate leadership in September to finally have votes on long stalled judicial nominees. Votes on 4 to 6 nominations are what is required every week throughout the rest of this year if we are to bring down a judicial vacancy rate that remains at nearly 11 percent, with 90 vacancies on Federal courts around the country.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process. We have worked hard to ensure that the Committee continues to make progress on nominations. Our cooperation and work on the Committee makes the continuing extensive and unexplained delays in the Senate's consideration of judicial nominations even harder to understand.

These delays are damaging to the Federal courts and the American people who depend on them. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies has been at or above 90 for well over 2 years. We must bring an end to these needless delays in the Senate so that our Federal courts can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should apologize to the American people or at least explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

In recent letters to the Senate Majority Leader and Republican leader, ABA President Bill Robinson highlighted the problems created by these excessive vacancies on the Federal courts, writing:

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—busi-

nesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

I ask unanimous consent that copies of Mr. Robinson's October 13 letters to the Senate leaders be included at the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Those of us serving on the Senate Judiciary Committee are making this kind of "sustained, concerted, and cooperative effort." Regrettably, that effort is not duplicated by the Senate, because the Senate Republican leadership continues to object, stall and delay consideration of these much-needed judges.

This is not a partisan issue. Two weeks ago in a hearing before the Judiciary Committee, Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the "persistent problem of judicial vacancies in critically overworked districts." Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage "justice delayed is justice denied."

I have heard Republican Senators come to the floor purporting to justify their delays by selectively pointing to past instances in which Democratic Senators opposed a handful of President Bush's most ideological nominations. Their misguided attempt to go "tit for tat" and settle a political score on nominations ignores the realities of the crisis in judicial vacancies created by their delays. They ignore the fact that President Obama's current nominees are not divisive, ideological picks, but consensus, qualified nominees who are being blocked across the board for no good reason.

Senate Republicans also ignore the actual record on nominations established by Senate Democrats in considering President Bush's nominations. In the 17 months I chaired the Judiciary Committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. In stark contrast, it has taken us twice as long—34 months—to confirm just over 100 of President Obama's judicial nominations. In President Bush's first term we confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama's circuit and district court nominations to go in order to match that total during the next 12 months. Given the obstruction and delays during these first 3 years of President Obama's administration, we have a lot of ground to make up and