

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Brian C. Wimes, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Kristine Gerhard Baker, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John Z. Lee, of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland.

Harry Reid, Patrick J. Leahy, Mark R. Warner, Barbara A. Mikulski, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P. Casey, Jr., Charles E. Schumer, Michael F. Bennet, Richard J. Durbin, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

Harry Reid, Patrick J. Leahy, Richard J. Durbin, Mark R. Warner, Herb Kohl, Mark Udall, Christopher A. Coons, Tom Udall, Benjamin L. Cardin, Sheldon Whitehouse, Amy Klobuchar, Al Franken, Jeanne Shaheen, Robert P.

Casey, Jr., Charles E. Schumer, Michael F. Bennet, Jeff Merkley.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Jeffrey J. Helmick, of Ohio, to be United States District Judge for the Northern District of Ohio.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Mary Geiger Lewis, of South Carolina, to be United States District Judge for the District of South Carolina.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Timothy S. Hillman, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Richard Blumenthal, Dianne Feinstein, Charles E. Schumer, Al Franken, Christopher A. Coons, Robert Menendez, Amy Klobuchar, Herb Kohl, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry, Daniel K. Akaka, Jeff Bingaman, Tom Udall, Kirsten E. Gillibrand, Patty Murray.

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Illinois.

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

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

#### ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

#### JUDICIAL NOMINATIONS

Mr. DURBIN. Madam President, I rise to speak about the issue of judicial

nominations. Our Nation faces a serious problem: 1 out of every 10 Federal judgeships is vacant. Yet we continue to see—unfortunately and sadly—unprecedented obstruction from the other side of the aisle when it comes to these nominations. Right now on the Executive Calendar of the Senate there are 22 judicial nominations pending. Twelve of these 22 were successfully voted out of the Judiciary Committee last year, 2 of them as far back as October, and 17 of the nominees currently on the calendar were voted out with strong bipartisan support. Additionally, 13 of the 22 nominees who are being held have the approval of the Republican Senator from the State where the nomination has been made.

Despite the fact these nominations are not controversial, that they passed by a bipartisan vote in the Judiciary Committee and out of the committee, they still languish on the calendar because of Republican objections.

I know people get tired and say: I wish you all weren't so partisan around here. Well, I hate to give a speech where most will say that is just a partisan speech, but we are talking about nominees who have bipartisan support, with a strong vote coming out of committee being held on the calendar. Despite the fact they are noncontroversial, there have been objections to up-and-down votes. All we ask for is to just give them a vote. It is not right. Unfortunately, it is a new development in the Senate.

It used to be when a noncontroversial district or circuit court nominee was reported out of the Senate Judiciary Committee with bipartisan support, that nominee would literally be approved on the Senate floor usually by voice vote within a matter of days. Even when there were battles over the controversial Supreme Court or appellate court nominees, the Senate never obstructed a noncontroversial nominee at the same time, especially at the district court level.

When President Obama took office, Senate Republicans adopted a new and disturbing strategy. They began refusing to give their consent to schedule votes on almost all judicial nominees. You say to yourself: Well, what is their strategy? It is very apparent. They are praying, of course, that a Republican will be elected President and they can fill the vacancies. They want them to continue to have empty seats on our judicial courts for the remainder of this year until the election. President Obama's nominees have been subjected to an unprecedented level of obstruction by the Republicans, more than any other President has received.

Listen to this: President Obama's district court nominees have waited an average of 93 days on the Senate Executive Calendar between a committee vote and a floor vote. How about George W. Bush? How long did his nominees sit on the calendar before Democrats would let them have a vote?

Only 24 days. So 93 days under the Republicans, 24 days under the Democrats.

President Obama's confirmed circuit court nominees have been forced to wait an average of 136 days for a floor vote. President Bush's circuit court nominees waited an average of 29 days. So 136 days, way over 4 months for the Obama nominees, and less than 1 month for the Bush nominees.

Overall, at this point in their terms, President Obama had 131 nominees confirmed at the Federal, circuit, and district court level compared to 172 for President Bush and 183 for President Clinton. It is so obvious the Republicans are stopping worthy bipartisan nominees for strictly political reasons.

Current judicial vacancies at this point in President Obama's term are 83, nearly double the 46 vacancies of President Bush's term. I know my Republican colleagues sometimes argue that President Obama is too slow to make nominations, but that argument doesn't explain what happens after the nominations have been made, cleared investigations, cleared the committee, and reached the Senate calendar.

Right now there are 39 judicial nominees pending either before the Judiciary Committee or on the floor of the Senate. Promptly confirming these numbers would bring President Obama's confirmation numbers close to President Bush's. But still the obstruction continues.

Some might argue that blocking judicial nominees is just another one of those silly partisan games in Washington. But, unfortunately, this obstruction has real impact across America. There are 35 judicial vacancies that have been designated judicial emergencies by the nonpartisan Administrative Office of the U.S. Courts. That means the Federal courts are so flooded with heavy workloads that the failure to fill the vacancies makes it even worse. It means justice will be delayed. And when justice is delayed, many times it is denied. When court systems suffer from lack of judges on the bench, the administration of justice suffers at every level, criminal and civil.

All Americans rely on the Federal courts to protect their constitutional rights, keep dangerous criminals off the streets, and resolve their disputes. When judgeships are vacant and judges remain overburdened, the American people may be denied their day in court.

Right now, the Northern District of Illinois—that would be Chicago, northern Illinois—is one of the districts where a judicial emergency has been declared. The chief judge of the district, Judge Jim Holderman, an appointee under a Republican President, recently sent a letter to me and my colleague Senator KIRK urging the Senate to move quickly on two nominees sitting on the calendar—John Lee, my nominee approved by Senator KIRK, and Jay Sharp, Senator KIRK's nomi-

nee approved by me. A bipartisan judicial selection committee chose these nominees, and both of us signed off on them. Isn't that what America wants, that we work together? So why are they sitting on a calendar? There is an emergency in the Northern District, the judge has asked for help, we have agreed on a bipartisan basis how to fill the vacancies, yet they languish on the calendar.

I wanted to take this opportunity to briefly talk about these nominees caught up in this backlog on the Senate floor. Both of them are extraordinarily well-gifted and talented.

John Lee is currently a partner in a major law firm in Chicago, where he practices complex commercial litigation. He is the son of a coal miner and a nurse. He immigrated to this country from Korea at a young age. From humble beginnings, he went on to college and law school at Harvard. He then worked as a trial attorney in the Justice Department, and he had a great record in community service in Chicago. When he is confirmed, he will be the first Korean-American article III judge ever to serve in my State.

Jay Sharp, Senator KIRK's nominee, of whom I approve, is a partner in another major law firm in Chicago, where he leads their securities litigation practice. He is a former captain in the Marine Corps with a distinguished military career. He attended Duke University and Northwestern Law School and clerked for a Federal judge on the Seventh Circuit. For 6 years he was an assistant U.S. attorney, a prosecutor, and he has received numerous recognitions for his work in private practice.

As part of our bipartisan selection process, Senator KIRK has chosen Jay Sharp and I have chosen Mr. LEE. We have done this in the most cooperative way possible. I think it is time for the Senate to move ahead with the floor votes on these two nominees and all of the nominees. If a Senator has an objection to one of these nominees, let's call it for a vote. They can vote no. And if they don't get a majority vote, they won't be approved. That is the way this Chamber is supposed to work.

Good, decent Americans such as John Lee and Jay Sharp shouldn't have to put their lives on hold when they have volunteered to be nominees to the Federal court. In most instances, those who step up and ask for this opportunity of public service are actually taking a cut in pay from what they could be paid in private practice. They are willing to make a sacrifice. Their families are willing to make it. But now we leave them in this limbo. They are caught in this political limbo created by the Republicans in an effort to stack up judges like cordwood on the calendar in the hopes that come November, they will get a Republican President who will fill these vacancies with true believers.

That isn't fair. It doesn't reflect the reality when President Obama was elected to serve and to fill these vacan-

cies in a meaningful way. The process is bipartisan. Certainly, the Senate's consideration of nominees should be bipartisan as well.

I see the Senator from Michigan on the floor. I wish to make one additional statement, if I might, relative to an issue in my home State of Illinois. I will be very brief, but it is something that means a lot to me and to my State.

#### ILLINOIS TORNADOES

Mr. DURBIN. Madam President, it was just about 10 days ago that a tornado struck Harrisburg, IL. This is a picture of some of the devastation. It doesn't tell the story.

I have been a child of Illinois and grew up in what we consider to be Tornado Alley. Being dragged out of bed in the middle of the night with the air raid siren blaring and my dad heading down into the basement was just one of the rites of passage. Luckily, our home was never hit, but we saw a lot of homes that were. They might have some shingles torn off and siding ripped away, windows broken, and maybe in the worst case a roof actually lifted off a house.

This case here was an extraordinary one. The picture can't even depict the story. It was a level 4 tornado—and level 5 is the highest—with 175 mile-an-hour winds, or winds more powerful than Hurricane Katrina, and it hit this little town of Harrisburg, IL, and about 20 miles away the town of Ridgway, IL.

I went down and took a look. I saw homes that had been torn off their slab foundations and tossed around like toys. Seven people died as a result of this tornado. There might have been more, but it was a tornado that struck at about 5 a.m., and many people were home. Had they been outside or shopping at one of the malls that were obliterated, many more people would have died. Fortunately, more didn't.

The heroic efforts by the local people at every single level really made me proud to represent that State and my family having roots in that part of the State. It was a great outpouring of caring, affection, and even bravery as people rescued those who were lost and covered by the debris. The Red Cross was on the scene right away. The Illinois Emergency Management Agency was there as well. Everybody pitched in, both in Harrisburg and in Ridgway.

We finished our job, and we heard, as I was leaving on Saturday—this was 10 days ago—that the Federal agencies were on their way this last Monday, a week ago today. I felt confident, Gov. Pat Quinn of Illinois felt confident, and our State emergency management director, Jonathan Monken, also felt confident that we would get the Federal designation. That is why it was absolutely stunning when we learned yesterday that FEMA turned down these communities.

Take a look at this shopping center that literally collapsed. Fortunately,