

example of exemplary constituent service that we strive to continue today.

He is showing no signs of letting his age slow him down by any means. He continues his service on numerous boards and for organizations with the same vigor he demonstrated throughout his career. John Paul played an important role in our State's history, and he is still continuing to play an important role in our State's history. He also was an important influence on me, as he was to so many others in Arkansas. I consider him a friend and a mentor.

I recall the first time that I was in Washington being sworn in, in 2001. He took my brother and me to the Members' dining room. It was a very special time, and just his hospitality to all of us throughout the years was so gracious. I appreciate very much his advice and friendship.

John Paul is able to leave his fingerprints on projects important to Arkansas through his hard work, dedication, and commitment. He never forgot about the people he was sent to Washington to represent, and we are truly grateful for his tireless efforts to represent the people of Arkansas.

Mr. PRYOR. Mr. President, John Paul Hammerschmidt is 90. There are many colleagues here in this Chamber, who serve in this body today, who worked alongside him either during their service in the House or when they were in the Senate. He is one of the Arkansas greats. He served northwest Arkansas, which is the Third Congressional District, 26 years in the Congress. Looking back at his career, John Paul once said, "The only reason people should be in public office is to purely serve other people." Indeed, he set the bar for constituent service—from delivering a Social Security check to a senior bogged down in bureaucracy or fighting for disability benefits for a veteran. Today, each of us in Arkansas congressional delegation tries to emulate his legendary casework management.

One of John Paul's most significant contributions was preserving the Buffalo River as a free-flowing stream. According to the Pryor Center for Arkansas Oral and Visual History, John Paul first floated the Buffalo at age 12 after taking wood from his father's lumberyard to build himself a boat. Nearly 40 years later, he established the Buffalo as the first National River. This was not an easy achievement, but one that was built with persistence and through relationships within the community. Today, tens of thousands of Arkansas families, including mine, enjoy floating the Buffalo National River.

John Paul also used his time in Congress to help northwest Arkansas expand its infrastructure to keep up with the region's fast growth. It is one of the fastest growing sections of the country. As a member of the Public Works Committee, John Paul was credited with securing bipartisan support on key infrastructure legislation. We could use a little of his magic today.

You can't go far in northwest Arkansas without seeing his impact. We have the John Paul Hammerschmidt Highway, an access road to Carter Field near Rogers, an industrial park at Diamond City, JPH Plaza, the John Paul Hammerschmidt Business and Conference Center at North Arkansas College in Harrison, John Paul Hammerschmidt Lake at Fort Smith and the JPH Federal Building in Fayetteville.

Upon John Paul's retirement, former Congressman, Commerce and Transportation Secretary Norman Mineta spoke on the floor of the House of Representatives, saying:

There is no individual in the House who is more loved and respected than John Paul Hammerschmidt. His honesty, gentleness, decency, and integrity are second to none. Don't be swayed by his quiet manner, because underneath is a man with strong convictions, a sense of purpose, and a keen desire to get things done.

It is fair to say that John Paul never actually retired. He remains involved in many civic organizations, including the Northwest Arkansas Council and March of Dimes. Higher education continues to be a priority. John Paul serves on not one but two boards of trustees—the Board of Trustees at the University of the Ozarks and he is a Trustee of Arkansas State University.

John Paul Hammerschmidt has spent decades serving others and giving back to his community. I am pleased to have this opportunity to pay tribute to all he has achieved so far and to wish him a happy 90th birthday and many more years of health and happiness.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

#### NOMINATION OF GEORGE LEVI RUSSELL III, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND

#### NOMINATION OF JOHN J. THARP, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

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 George Levi Russell, III, of Maryland, to be United States District Judge for the District of Maryland, and John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time run until 5:30 p.m. on the nominees, which would be approximately 50 minutes, but that time be divided in the usual form.

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

Mr. President, last week, 5 months into the year, the Senate finally was allowed to finish clearing the backlog of 19 judicial nominees who were needlessly stalled since last year by Senate Republicans. Today the Senate is being allowed to consider two of the 19 judicial nominees now awaiting final Senate action. George Levi Russell is nominated to fill a judicial emergency vacancy in the U.S. District Court for the District of Maryland and John Tharp to fill a judicial emergency vacancy in the Northern District of Illinois. These nominees have the support of their home State Senators and were reported 3 months ago with the bipartisan majority of the Judiciary Committee.

I hope the fact that the majority leader was able to obtain consent to move these nominations signals that the Senate is being allowed to return to regular order, and that the majority leader will be able to schedule a vote without further delay on the nomination of Paul Watford of California to fill a judicial emergency vacancy on the Ninth Circuit. His nomination was reported before those being considered today and has been skipped in the order. He is a fine nominee with outstanding qualifications and bipartisan support.

Last week, we were finally able to confirm Judge Jacqueline Nguyen of California to fill a judicial emergency vacancy on the Ninth Circuit after a needless 5-month delay. Her nomination had been reported unanimously by the Judiciary Committee and was confirmed by a vote of 91-3. It took the filing of 17 cloture petitions in March to get Senate Republicans to agree to consider her nomination.

The Ninth Circuit is still in dire need of judges. With nearly three times the number of cases pending as the next busiest circuit, we cannot afford to further delay Senate votes on the other two nominations to the Ninth Circuit. Paul Watford of California passed the Committee more than 3 months ago. Andrew Hurwitz of Arizona passed the Committee more than 2 months ago. There is no good reason for Senate Republicans to further delay votes on these Ninth Circuit nominees. The 61 million people served by the Ninth Circuit are not served by this delay. The circuit is being forced to handle more than double the caseload of any other without its full complement of judges. The Senate should be expediting consideration of Paul Watford and Justice Andrew Hurwitz, not delaying them.

The Chief Judge of the Ninth Circuit, Judge Alex Kozinski, a Reagan appointee, along with the members of the Judicial Council of the Ninth Circuit, wrote to the Senate months ago emphasizing the Ninth Circuit's "desperate need for judges," urging the Senate to "act on judicial nominees without delay," and concluding "we fear that the public will suffer unless our vacancies are filled very promptly." The judicial emergency vacancies on the Ninth Circuit are harming litigants by creating unnecessary and costly delays. The Administrative Office of U.S. Courts reports that it takes nearly 5 months longer for the Ninth Circuit to issue an opinion after an appeal is filed, compared to all other circuits. The Ninth Circuit's backlog of pending cases far exceeds other Federal courts. As of the end of 2011, the Ninth Circuit had 14,041 cases pending before it, far more than any other circuit.

If caseloads were really a concern of Republican Senators, as they contended last year when they filibustered the nomination of Caitlin Halligan to the D.C. Circuit, they would not be delaying the nominations to fill judicial emergency vacancies in the Ninth Circuit. If caseloads were really a concern, Senate Republicans would consent to move forward with votes on Paul Watford and Andrew Hurwitz without these months of unnecessary delays.

Paul Watford was rated unanimously well qualified by the ABA's Standing Committee on the Federal Judiciary, the highest rating possible. He clerked at the United States Supreme Court for Justice Ruth Bader Ginsburg and on the Ninth Circuit for now Chief Judge Alex Kozinski. He was a Federal prosecutor in Los Angeles. He has the support of his home State Senators and bipartisan support from noted conservatives such as Daniel Collins, who served as associate deputy attorney general in the Bush administration; professors Eugene Volokh and Orin Kerr; and Jeremy Rosen, the former president of the Los Angeles chapter of the Federalist Society.

Justice Hurwitz is a respected and experienced jurist on the Arizona Supreme Court. His nomination has the strong support of both his Republican home state Senators, Senator JOHN MCCAIN and Senator JON KYL, who introduced him to the Judiciary Committee at his hearing in January. Senator KYL said of Justice Hurwitz:

It is very easy to see and it is obvious to those of us who have been in Arizona a long time why Justice Hurwitz was awarded the ABA's highest rating, unanimous well qualified. So it will be my privilege to support his nomination, and I am honored to be able to introduce him to the panel today.

Given that both nominees are superbly qualified mainstream nominees with bipartisan support, the long delays that have plagued these nominations are hard to understand.

While discussing the Ninth Circuit, I should also clear up the history of President Bush's Ninth Circuit nomi-

nees. Senate Democrats did not oppose Randy Smith joining the Ninth Circuit. Judge Smith was confirmed unanimously by a vote of 94-0. His nomination was unnecessarily complicated and delayed by President Bush who initially insisted on nominating Judge Smith to a California seat on the Ninth Circuit. He is not a Californian and was not supported by the California Senators. When President Bush took my advice and renominated Judge Smith to fill an Idaho vacancy on the Ninth Circuit at the beginning of 2007, he was confirmed quickly.

Carolyn Kuhl was another nominee President Bush tried to ram through the Senate in spite of the opposition of her home State Senators. It was Senate Republicans and the Republican chairman who blatantly disregarded Senate Judiciary procedure by proceeding with that nomination despite the objection of both home State Senators. At the time I noted that this was a provocative step that ratcheted up partisanship and the use of judicial nominees for partisan political purposes. By contrast, I have respected objections of Republican home State Senators, even when they change their position from support to opposition, as happened recently with a Kansas nominee to the Tenth Circuit.

Senate Democrats opposed William Gerry Myers because he was an ideologue who spent over 20 years of his career as a lobbyist and as an outspoken antagonist against long-established environmental protections. Mr. Myers' advocacy often took positions that were legally unsupportable. Mr. Myers' record as a partisan ideologue was not offset by other qualifications to be a court of appeals nominee; he received a partial not qualified rating from the American Bar Association, had never tried a jury case, nor had he served as counsel in any criminal litigation.

The fact is, even after the Senate was forced to invoke cloture to overcome Republican filibusters of President Clinton's nominations of Richard Paez and Marsha Berzon to the Ninth Circuit, the Senate proceeded to confirm seven of the nine Ninth Circuit nominees of President Bush. We reduced vacancies on the Ninth Circuit during President Bush's two terms to only a single vacancy. Four of President Bush's Ninth Circuit nominees were confirmed during his first 4-year term: Judge Richard Clifton, Judge Jay Bybee, Judge Consuelo Callahan, and Judge Carlos Bea. By contrast, Senate Republicans are opposing our moving forward to consider and confirm Paul Watford and Andrew Hurwitz, who are both strongly supported by their home State Senators, to fill judicial emergency vacancies, and they filibustered the nomination of Goodwin Liu, who also had the strong support of his home State Senators.

The American people deserve better. Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that bur-

den litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

We have much more work to do to help resolve the judicial vacancy crisis that has persisted for more than 3 years. When the Majority Leader and the Republican leader came to their interim understanding in March, it resulted in votes on 14 of the 22 judicial nominations then awaiting final consideration. Because the arrangement took months to implement what the Senate could have done in hours, the backlog of judicial vacancies and judicial nominees continues. Today we are almost back to where we started with 19 judicial nominees awaiting action.

We are still lagging far behind what we accomplished during the first term of President George W. Bush. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became Chairman in the summer of 2001, there were 110 vacancies. As Chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans to confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that Presidential term, the Senate had acted to confirm 205 circuit and district court nominees. In May 2004, we reduced judicial vacancies to below 50 on the way to 28 that August. Despite 2004 being an election year, we were able to reduce vacancies to the lowest level in the last 20 years. At a time of great turmoil and political confrontation, despite the attack on 9/11, the anthrax letters shutting down Senate offices, and the ideologically driven judicial selections of President Bush, we worked together to promptly confirm consensus nominees and significantly reduce judicial vacancies.

In October 2008, another Presidential election year, we again worked to reduce judicial vacancies and were able to get back down to 34 vacancies. I accommodated Senate Republicans and continued holding expedited hearings and votes on judicial nominations into September 2008. We lowered vacancy rates more than twice as quickly as Senate Republicans have allowed during President Obama's first term.

By comparison, the vacancy rate remains nearly twice what it was at this point in the first term of President Bush, and has remained near or above 80 for nearly three years. Again, if we could move forward to Senate votes on the 19 judicial nominees ready for final

action, the Senate could reduce vacancies below 60 and make progress.

The Senate needs to consider these judicial nominees if we are to make real progress in reducing the burden of judicial vacancies. That is what we did in the most recent Presidential election years of 2004 and 2008 and what we should be doing this year. We have a long way to go. We need to work to reduce the vacancies that are burdening the Federal judiciary and the millions of Americans who rely on our Federal courts to seek justice. Let us work in a bipartisan fashion to confirm these qualified judicial nominees so that we can address the judicial vacancy crisis and so they can serve the American people.

Today, we can finally fill two judicial emergency vacancies with excellent nominees. George Levi Russell III is nominated to fill a judicial emergency vacancy on the District of Maryland, where he has been an active member of the legal community for over 20 years. Currently an Associate Judge in the Circuit Court of Maryland for Baltimore City, he previously spent 10 years as an Assistant U.S. Attorney in the District of Maryland, serving in both the criminal and civil divisions. Judge Russell's nomination has the strong support of the Maryland Senators, Senators MIKULSKI and CARDIN.

John "Jay" Tharp is nominated to fill a judicial emergency vacancy on the Northern District of Illinois. This is the second time Mr. Tharp has been nominated to that position, having also been nominated by President George W. Bush in July 2008. A former Captain in the Marine Corps, Mr. Tharp is currently a partner in the Chicago office of Mayer Brown LLP. He began his legal career as a Federal prosecutor in the Northern District of Illinois and clerked for Judge Joel Flaum on the U.S. Court of Appeals for the Seventh Circuit. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Tharp well qualified, its highest rating. Mr. Tharp's nomination has the bipartisan support of Illinois' Democratic Senator DICK DURBIN and Republican Senator MARK KIRK.

Both Judge Russell and Mr. Tharp were favorably reported by the Judiciary Committee on February 16th of this year. I look forward to their confirmations today.

Mr. President, using the time allocated to the majority, I ask unanimous consent to speak as in morning business.

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

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

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the remaining time between now and 5:30 be equally divided.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.

• Mr. KIRK. Mr. President, I wish to offer my strong endorsement for the nomination of John "Jay" Tharp to the U.S. District Court for the Northern District of Illinois.

Jay Tharp will be an outstanding addition to the Federal bench. He made a name for himself as an assistant U.S. attorney whose cases included political corruption and money laundering. His impressive tenure in that office includes service in the General Crimes Division and the Organized Crime Drug Enforcement Task Force. Since leaving the U.S. Attorney's office in 1997, Tharp has worked at Mayer Brown LLP, where he was made partner in 1999. He is currently coleader of Mayer Brown's securities litigation and enforcement practice.

I want to thank Senator DURBIN for his continued dedication and hard work to ensure the Senate's timely confirmation of both Illinois judicial nominees, Jay Tharp and John Lee.

Under Senate tradition for Illinois, the senator from the party not in control of the White House makes nomination recommendations to the White House for one Federal district court judgeship for every three of the party in power. The arrangement is intended to ensure the orderly filing of Federal judge vacancies on the Illinois bench. Under that tradition, John Tharp was my first recommendation.

Jay served our country in the Marine Corps from 1982 to 1988, achieving the rank of Captain and earning the Navy Achievement Medal and the Navy Distinguished Midshipman Award. He subsequently attended Northwestern University Law School on a full merit John Henry Wigmore Scholarship. While at Northwestern, Jay served as book review editor of the Northwestern Law Review. He graduated magna cum laude in 1990.

Last week, the Senate voted to confirm John Lee to fill one of the vacancies for the Northern District. Senator DURBIN and I worked closely to recommend both Jay Tharp and John Lee and today's vote on Jay's nomination will hopefully conclude the process to fill these two vacancies.

I would also like to thank my Judicial Review Advisory Board, chaired by Peter Baugher of Schopf & Weiss LLP, for their hard work in selecting Jay Tharp. In February 2011, I formed this 14-member bipartisan, Statewide screening committee and charged it with identifying "the strongest applicants from Illinois for consideration by the President and U.S. Senate."

My Advisory Board received nearly 50 applications, met five times, and spent

over 300 man-hours to review judicial candidates. The Advisory Board's review process included personal interviews as well as calls to colleagues, opposing counsel, and judges.

I urge my colleagues to support Jay Tharp's nomination. •

Mr. DURBIN. Mr. President, pending before the Senate is the nomination of Jay Tharp to serve on the District Court for the Northern District of Illinois. Senator KIRK and I have agreed on a bipartisan approach to this. We each have appointed bipartisan committees who review prospective applicants and then make recommendations. We each have a veto over the other's recommendation, so it is totally bipartisan. In the case of Jay Tharp, there was no veto—certainly not by me—and in this case, he was sponsored by Senator KIRK. He is an extraordinarily talented individual.

The reason I have entered into the CONGRESSIONAL RECORD the official statement of Senator KIRK is because, obviously, he can't be here. He is in rehab at this point from a stroke he suffered in January, and there was an encouraging video released last week showing the progress he is making. We are all anxious for him to return. I promised him in a phone conversation last week that I would move this nomination as quickly as possible so that his nominee is approved. His statement now in the RECORD speaks to his feelings about Jay Tharp's nomination, and it speaks for itself. I will now add my own comments.

I am glad Mr. Tharp is finally getting a vote in the Senate. It has taken a long time. In fact, it has taken too long for this day to come. Nominees who are noncontroversial, eminently qualified, who go through the committee without even a hint of resistance from Democrats or Republicans shouldn't have to sit on this calendar for week after week and month after month. It has now become standard around here, as have these mind-numbing filibusters become standard around here, and it isn't fair.

It isn't fair first to the country to leave vacancies on the Federal bench, creating hardships in courts around the Nation where people come to the courthouse expecting timely consideration of important matters, from criminal charges to civil litigation.

It isn't fair to the nominees. It really takes a pretty stalwart individual to put their name up to be a Federal judge because they are going to go through three or four different levels of investigation and some pretty serious investigation by the Federal Bureau of Investigation, for example. That is part of the process. There are investigations by the White House, by the Senators' offices, by the Senate Judiciary Committee. So it is not an easy undertaking. There might have been a time—I know there was—when these nominations were made in 48 hours with hardly a question asked. It doesn't happen anymore. Hard questions are asked, and then comes the

suspense of starting the process and waiting for it to end. These poor nominees sit there with their professional and personal lives on hold, having said they are prepared to step forward and serve a lifetime appointment on the Federal judiciary, and then they wait day after weary day, week after weary week, month after month, sitting on this Executive Calendar so that at some point there will be a bargaining session and some names will go forward and some won't.

This is what happened to Jay Tharp, but it shouldn't have, nor should it have happened to John Lee, the nominee who was approved last week for Illinois. Both nominees are extraordinarily qualified and should have gone through without this resistance, but this reflects what is happening in the Senate.

What is interesting about Jay Tharp is that every aspect of his nomination has been bipartisan. As I said, Senator KIRK put him through a bipartisan process for selection, and Senator KIRK reviewed and approved all of the candidates and then recommended him. It was last November 10 that the White House sent two nominations to the Senate to fill vacancies: John Lee, who was approved last Monday, and Jay Tharp, who we will be considering this evening.

John Lee was my choice; Jay Tharp was Senator KIRK's choice. We agreed, as I said, on both nominees. They were both nominated on the same day. They appeared together at the hearing before the Judiciary Committee in January. Both were reported out of the committee in February—about 3 or 4 months ago—in a bipartisan voice vote.

It was my hope we could bring them to a quick vote. There was an urgent need to fill the vacancies. We had been contacted by the chief judge of the district in Chicago, Jim Holderman. He had written to both of us, Senator KIRK and myself, and asked: Please move on these judges.

I felt an obligation, after Senator KIRK's illness, to try to get this job done. I knew Senator KIRK would be here in person if it were humanly possible. I put his statement in the RECORD. I know how strongly he feels about the qualities of Jay Tharp.

Unfortunately, for reasons hard to understand, this has dragged on for almost 6 months since their nominations were sent to the Senate. Up until a few years ago, this, as I said, was not the way things were handled—not when it came to bipartisan nominees who were coming out of the committee with no controversy. That certainly is the case now. We now see routine objections. There is a presumption that something must be wrong with a nominee, and we will just sit on it for weeks and months. That is not good. It is not fair to the nominees. It is not fair to the process. It certainly is not good for the judiciary.

Under the last nominations agreement negotiated in March, for some

reason John Lee made the cut, Jay Tharp did not. I appealed to Senator KYL, to Senator MCCONNELL. I sent a letter in writing and spoke to it on the Senate floor.

This is Senator MARK KIRK's first nomination for a Federal judgeship, and I know how important it is to him. I thank those who were responsible for bringing it forward today. I am sure he will be relieved. I know Jay Tharp will be relieved when this is over.

I have been very happy to stand and support Jay Tharp, as well as John Lee. They are both extraordinary individuals. There are other well-qualified nominees sitting on this Senate calendar in a similar circumstance. After today's votes, there will be 17 nominees pending on the calendar, and nearly all of them—almost all of them—were voted out of committee without any dissenting votes, with the exception of Senator LEE of Utah, who votes customarily against all judicial nominees. These nominees, but for a few, have not had any controversy. Six of these nominees are in areas designated as judicial emergencies, including two nominees for seats in the Ninth Circuit—Paul Watford and Andrew Hurwitz, who are extraordinarily well qualified.

I hope my Republican colleagues will give us a break. These people deserve to get their moment on the Senate floor. They deserve a vote, and the areas they are going to serve deserve a full complement of competent jurists.

It is time to restore sanity, comity, and good faith to the way we treat judicial nominations on the Senate floor. That should start today.

Let me discuss Jay Tharp's background for the record. He was nominated when a judgeship opened up after Judge Blanche Manning took senior status. He is currently a partner in the Chicago office of Mayer Brown, where he is the co-leader of the firm's securities litigation and enforcement practice.

He was born into a military family—he is very proud of it—as the son of a lieutenant colonel in the Marine Corps.

Jay Tharp attended Duke University on an ROTC scholarship. He received his undergraduate degree *summa cum laude* and was commissioned as a second lieutenant in the Marine Corps.

He served on Active Duty with the Marines for 6 years, achieving the rank of captain and earning the Navy Achievement Medal and the Navy Distinguished Midshipman Award.

After his military service, he attended Northwestern University Law School. He graduated *magna cum laude* and served on their Law Review. Upon graduation, he was a clerk for Judge Joel Flaum on the Seventh Circuit, and then worked as an assistant U.S. attorney in Chicago for 6 years.

After his tenure as a Federal prosecutor, he joined Mayer Brown, where his practice has been in complex commercial litigation and criminal investigations. He has received numerous

recognitions. He has served as an adjunct professor of trial advocacy at Northwestern University Law School, and he is a member of the Law Fund Board at Northwestern, which oversees fundraising efforts.

In short, Jay Tharp is a picture-perfect nominee for the Federal bench. He has the qualifications, temperament, and integrity to serve the Northern District well. I urge my colleagues to support his nomination.

I just say to Jay Tharp, the day has come, finally. I am sorry you got caught up in what has become a tiring political exercise, where people are just stuck on a calendar waiting for something to happen which springs them loose. This evening will be your opportunity.

I hope the Senate—and I know Senator KIRK will join me in saying this—will give Jay Tharp the unanimous vote he deserves. He is an extraordinarily well-qualified nominee, and I am happy to support his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I will be urging the people in my caucus to vote for these nominees, both of them. Today, the Senate is expected to confirm these two nominees: Judge Russell to the District of Maryland and Mr. Tharp to the Northern District of Illinois. As I said, I support the nominees, and I do, in fact, expect that both of them will be confirmed.

We continue to confirm the President's nominees at a brisk pace. In fact, with today's confirmations, we will have confirmed 145 of President Obama's district and circuit court nominees. I would like to put this in perspective.

We confirmed two Supreme Court nominees during President Obama's term so far. Everyone knows it takes a tremendous amount of time and resources to consider Supreme Court nominees.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term, the Senate confirmed only 120 district and circuit court nominees.

Compare that, if you will, to the 145 district and circuit court nominees we have confirmed so far since President Obama has become President. Let me say that same thing a different way. We have confirmed 25 more nominees for President Obama than we did for President Bush in a similar time period. Of course, President Obama's term is not over yet.

With these facts in mind, I hope my colleagues will understand why I get a little frustrated when I hear all of these complaints about how we are not confirming enough nominees. The fact is President Obama is being treated much more fairly than Senate Democrats treated President Bush.

It is especially frustrating to hear the other side complain about the vacancy rate. The fact is the Senate is

doing its job. We are confirming the nominees who are sent to us. Of course, we cannot confirm nominees who are not up here from the White House. If there is a problem, then it rests with the President.

Right now, there are 77 judicial vacancies. But the President has made only 29 nominations. That means 48 vacancies or over 60 percent—actually, nearly 63 percent—have no nominee. Stating it another way, there are currently 44 million Americans living in districts with vacancies where the President has not submitted a nominee to the Senate.

I suspect the President neglected to share that statistic with all the groups he summoned to the White House 1 week ago today to discuss judicial nominees, probably with the point of getting those organizations to put more pressure on the Congress to approve more nominees, and somehow approve nominees who are not even here yet for us to approve.

I could go on, but I do not intend to. I do not like to get into this back-and-forth with the other side. But it gets a little tiresome to hear the same misleading statements over and over. I want to set the record straight, and I have done that.

I congratulate the nominees who will be confirmed tonight. Both the nominees and their families should be proud.

George Levi Russell III, presently serving as an associate judge to the Circuit Court of Maryland, is nominated to be U.S. District Judge for the District of Maryland. Judge Russell received his BA from Morehouse College in 1988 and his JD from the University of Maryland School of Law in 1991. Upon graduation from law school, he clerked for Hon. Robert M. Bell, chief judge for the Court of Appeals of Maryland. Judge Russell then worked as an associate at the law firms Hazel and Thomas, P.C. and Whiteford, Taylor, and Preston, where he handled cases involving personal injury, product liability, and medical malpractice. In 1994, Judge Russell became an assistant U.S. attorney for the U.S. Attorney's Office for the District of Maryland. He worked in the civil division for 5 years, defending government agencies in discrimination, automobile accident, and medical malpractice cases. In 2000, Judge Russell rejoined the private sector for 2 years, working at the law offices of Peter G. Angelos, where he represented plaintiffs in class action and private personal injury cases. In 2002, he returned to the U.S. Attorney's Office and joined the criminal division for 5 years. There Judge Russell prosecuted those accused of violent crimes and narcotics cases.

In 2007, then-Governor Robert Ehrlich appointed Judge Russell to be an associate judge on the Circuit Court of Maryland for Baltimore City. In November 2008, he was elected to a 15-year term. Judge Russell has sat on each of the four dockets of this court: criminal, civil, family, and juvenile.

The ABA Standing Committee on the Federal Judiciary has given Judge Russell a rating of Substantial Majority "Qualified" and Minority "Not Qualified" for this position.

John J. Tharp, Jr., is nominated to be U.S. district judge for the Northern District of Illinois. Mr. Tharp was first nominated to this position by President Bush in 2008. Mr. Tharp received his BA from Duke University in 1982 and his JD from Northwestern University School of Law in 1990. Mr. Tharp served in the U.S. Marine Corps from 1982 to 1988, became a captain in 1987, and has received several military honors. Following graduation from Northwestern University School of Law in 1990, Mr. Tharp began his legal career as a clerk for Judge Flaum on the Seventh Circuit Court of Appeals. After working as an associate at Kirkland & Ellis for a year, he joined the U.S. Attorney's Office for the Northern District of Illinois, Chicago, as a Federal prosecutor where he served in the Criminal Receiving and Appellate Division, General Crimes Division, and Organized Drug Enforcement Task Force. He handled cases involving narcotics and money laundering investigations, financial frauds, political corruption, tax crimes, bank robberies, and firearms offenses.

In 1997, Mr. Tharp left the U.S. Attorney's Office and moved to his current firm, Mayer Brown, where his practice focuses on civil concerns, including tort, contract, intellectual property, environment, tax, and unfair competition claims, securities fraud, professional liability, and governmental investigations.

In 2009, Mr. Tharp's firm selected him to serve as coleader of the securities enforcement practice. In 2010, that group merged with the securities litigation group, and he continues to serve as coleader of the combined Mayer Brown securities litigation and enforcement practice. He has an ABA rating of Unanimous "Well Qualified."

I urge my colleagues to support these nominees. I think they probably will be supported overwhelmingly.

I yield the floor.

Mr. CARDIN. 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.

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

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

Ms. MIKULSKI. Mr. President, I am so proud to be here on the floor of the Senate to support the nomination of Judge George Russell III. He is nominated to the U.S. District Court for the District of Maryland, and he has the enthusiastic support of Senator CARDIN and myself. Senator CARDIN will speak right after me.

I thank Senators LEAHY and GRASSLEY for moving this nomination, and I

thank Senators REID and MCCONNELL for their cooperation.

I take my advice-and-consent responsibilities very seriously. When I consider someone for the Federal bench, I have four criteria: absolute personal integrity, judicial competence and temperament, a commitment to core constitutional principles, and a history of civic engagement in Maryland.

I cite these standards because I mean it. I must say Judge Russell—he is currently on the Circuit Court of Baltimore City—brings the right values to the bench. He has the necessary experience. He has seen the legal system from all perspectives and brings forth a top-notch background.

He is nominated to fill the seat of Judge Peter Messitte, who took senior status 3 years ago. I think it is a matter of urgency to confirm Judge Russell because of the backlog we have in our Maryland Federal court.

Prior to taking the bench, Judge Russell spent his legal career as a litigator. He spent 10 years as an assistant U.S. attorney in Maryland. He handled both criminal and civil cases. While there he was also a community outreach coordinator. What does that mean? For an assistant U.S. attorney, it meant he worked with the community creating vital programs to reduce violent crimes.

As a young attorney, Mr. Russell also served as a law clerk for Judge Robert Bell. Judge Bell is the chief judge of the Maryland Court of Appeals. I might add, Judge Bell enthusiastically endorses this Nominee.

Judge Russell is a man born and raised in Baltimore. He graduated from the University of Maryland School of Law and has spent his entire career in Maryland. His father, also a judge, was a legal pioneer in Maryland, serving as the city's first African-American circuit judge.

This judge, Judge Russell, has public service in his DNA, both working as a U.S. attorney and on the Federal bench and also in his connection to the everyday life of people. He has been on the board of directors of the Enoch Pratt Library, Big Brothers and Big Sisters, and the Community Law Center. He has often been recruited to be a motivational speaker, an inspirational speaker, particularly to high school and middle school students to encourage them to stay in school and off the street. He has particularly been enthusiastic about mentoring young attorneys and law students.

The reason I talk about his civic engagement is that we want judges who do not live in a bubble. It is great to be a legal scholar, it is great to know the law inside and out, but a great judge knows people. This man, Judge George Russell III, by being out there—whether it is making sure the library is there for young people who want to move up; Big Brothers and Sisters, to keep young people out of trouble; or working at the Community Law Center—he

has involved himself in the gritty aspects of Baltimore City. He is a devoted public servant. He comes with a great background.

He brings together recommendations from both the public and private sector. I urge my colleagues to endorse the nomination of Judge Russell. I ask their support in voting for him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I thank Senator MIKULSKI for her leadership on the process we have used in Maryland on filling judicial vacancies. I am very proud to work with Senator MIKULSKI in a process that screens lawyers who are interested in becoming Federal judges in order that we can get the very best to recommend to the President.

We think the President has chosen the very best in Judge Russell to fill the district court vacancy for the District of Maryland. But I really wanted to applaud my colleague in the Senate for the seriousness that we both take on filling these vacancies. We understand these are lifetime appointments. We want to make sure we get individuals who have the qualifications, who have the temperament, who have the integrity, and have the commitment to public service to serve our judiciary.

I rise today to urge the Senate to confirm Judge George Levi Russell III, of Maryland, to be U.S. District Judge for the District of Maryland. Judge Russell was reported by voice vote out of the Judiciary Committee on February 16. Judge Russell currently sits as a trial judge in the Baltimore City Circuit Court.

Judge Russell is an excellent candidate. He received bipartisan support from the Judiciary Committee and is ready to take office upon confirmation of the Senate. Judge Russell brings a wealth of experience to this position in both State and Federal courts. Earlier in his career he served as a Federal prosecutor and as an attorney in private law practice. He now sits as a State court trial judge in Maryland.

Judge Russell graduated from Moorehouse College with a B.A. in political science and a J.D. from the Maryland Law School in 1991. He passed the Maryland Bar and was admitted to practice in Maryland in 1991. He then clerked for Chief Judge Robert Bell on the Maryland Court of Appeals, which is our highest State court. He worked as a litigation associate for 2 years at Hazel & Thomas, and then briefly at Whiteford, Taylor. He then served as an assistant U.S. attorney for the District of Maryland from 1994 to 1999, handling civil cases. In that capacity he represented various Federal Government agencies in discrimination, accident, and medical malpractice cases. He then worked as an associate at the Peter Angelos law firm for 2 years.

In 2002, he went back to the U.S. Attorney's Office, handling criminal

cases until 2007. He represented the United States in the criminal prosecution of violent crimes and narcotic cases during the investigatory stage, at trial, and on appeal. This included the initiation of monitoring of wiretaps to infiltrate and break up violent gangs in Baltimore City.

He also served as the Project Safe neighborhood coordinator for the office from 2002 until 2005. He participated in community outreach programs in coordination with the Baltimore City State's Attorney's Office to reduce violent crime in Baltimore communities.

In 2007, Governor Ehrlich, a Republican, appointed him to serve as an associate judge of the Baltimore City Circuit Court for a term of 15 years. As a trial judge, Judge Russell has presided over hundreds of trials that have gone to verdict or judgment and he has experience in handling jury trials, bench trials, civil cases, and criminal cases. He has the professional experience which has been recognized by a Republican Governor and a Democratic President.

Judge Russell has strong roots, legal experience, and community involvement in the State of Maryland. He was born and raised in Baltimore City and has extended family who live in Baltimore. He served as a director and trustee of the board of the Enoch Pratt Free Library, which serves the disadvantaged throughout the State of Maryland. He served on the board of directors of the Community Law Center, which is an organization designed to help neighborhood organizations improve the quality of life for their residences.

He has also served as a board member on several organizations that devote substantial resources to helping the disadvantaged, including the Big Brothers and Big Sisters of Maryland. I know he has often spoken to young people in school about the obligations, duty, and mandate of a judge, and he tries to demystify the role of a judge in a black robe.

Judge Russell is particularly concerned with addressing the drug, violence, and mental health problems that plague Baltimore City. Judge Russell comes from a very distinguished family in the legal profession of Maryland. Judge Russell's father, George L. Russell, Jr., was also a groundbreaking African-American lawyer in Maryland. He was the first African-American judge on the Maryland Circuit Court in the 1960s and was later Baltimore's first African-American Solicitor.

He was also the first African-American president of the Baltimore City Bar Association. In later years, Judge Russell was named by the Governor to chair the Maryland Museum of African-American History and Cultural Commission and served as chairman of the board of the Maryland African-American Museum Corporation.

He was also asked to chair Baltimore's Judicial Nominating Commission. He has received numerous awards

from the Maryland Bar Foundation and NAACP.

His family is deep in public service, including his wife who serves as a judge on the District Court of Maryland for Baltimore City. I am absolutely convinced that Judge Russell possesses the qualifications, temperament, and passion for justice that will make him an outstanding Federal trial judge. He will serve the people of Maryland very well in this position. I therefore urge my colleagues to vote for the confirmation of Judge Russell to serve as a judge for the U.S. District Court for the District of Maryland.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2072

Mr. REID. Mr. President, I ask unanimous consent that at 11:15 a.m., Tuesday, May 15, the motion to proceed to Calendar No. 396, H.R. 2072, be adopted; that the only first-degree amendments in order to the bill be Lee No. 2100, Paul No. 2101, Corker No. 2102, Vitter No. 2103, and Toomey No. 2104; that there be no amendments in order to any of the amendments prior to the votes; that there be no motions or points of order in order other than budget points of order and the applicable motions to waive; that there be up to 2 hours of debate to run concurrently on the amendments and the bill equally divided between the two leaders or their designees prior to votes in relation to the amendments in the order listed; that upon disposition of the amendments, the Senate proceed to vote on passage of the bill, as amended, if amended; that there be 2 minutes equally divided prior to each vote, and all after the first vote be 10-minute votes; that the amendments and passage of the bill require 60 votes.

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

Mr. REID. Mr. President, we have pending now a cloture vote. I have spoken to the Republican leader very recently. We think it would be in the best interests of the Senate to do away with the cloture vote. Therefore, I ask unanimous consent that the cloture vote scheduled for this evening be vitiated.

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

Mr. REID. There should only be one rollcall vote tonight because the Maryland judge we expect to be able to voice-vote.

The PRESIDING OFFICER. All time is expired.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of George Levi Russell III, of Maryland, to be United States District Judge for the District of Maryland.



The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John J. Tharp, Jr., of Illinois, to be United States District Judge for the Northern District of Illinois.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mrs. HAGAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Kentucky (Mr. PAUL), the Senator from South Dakota (Mr. THUNE), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted "yea" and the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

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

The result was announced—yeas 86, nays 1, as follows:

[Rollcall Vote No. 90 Ex.]

#### YEAS—86

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Portman
Begich	Heller	Pryor
Bennet	Hoeven	Reed
Bingaman	Hutchinson	Reid
Blumenthal	Inhofe	Risch
Boozman	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Schumer
Cardin	Kerry	Sessions
Carper	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Kyl	Snowe
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Toomey
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lugar	Vitter
Crapo	Manchin	Warner
Durbin	McCain	Webb
Enzi	McCaskey	Whitehouse
Feinstein	McConnell	Wyden
Franken	Menendez	

#### NAYS—1

Lee

#### NOT VOTING—13

Blunt	Cornyn	Kirk
Burr	DeMint	
Casey	Hagan	

Moran	Nelson (FL)	Thune
Murkowski	Paul	Wicker

The nomination was confirmed.

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

#### LEGISLATIVE SESSION

The PRESIDING OFFICER (Mrs. HAGAN). The Senate will resume legislative session.

The Senator from Ohio.

#### EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2012—MOTION TO PROCEED—Continued

Mr. BROWN of Ohio. Madam President, I rise to discuss the Export-Import Bank reauthorization's importance to strengthen manufacturing and creating jobs in places such as my home State of Ohio.

Ohio is the third leading manufacturing State in the country. Only Texas, which has twice our population, and California, which has three times our population, produce more goods than we do.

The Export-Import Bank's mission is simple: It facilitates exports and contributes to job creation in the United States. It does this through loans and guarantees of insurance, filling in gaps in trade financing at no ultimate cost to taxpayers. Yet, despite this record of success, exports and jobs are at stake because Congress cannot agree to Ex-Im reauthorization, in large part because there is a group of people in this body and down the hall in the House of Representatives who simply think the Federal Government should not have a role in much of anything.

The bank's lending authority is set to expire May 31, 17 days from now. We must act. The Export-Import Bank has been reauthorized by both Chambers, by both parties, decade after decade, and we know how important it is for job creation, but it has taken too long to get this reauthorization moving. While manufacturers wait, Congress has stalled. We cannot wait any longer.

We know that Ohio workers can compete with anyone in the world when the playing field is level. When we stamp the "Made in Ohio" label, it is a sign that an item was made with pride by some of the finest workers in the United States and some of the finest workers in our country.

We know that U.S. manufacturing is getting stronger due in no small part to increased exports with the help of the Ex-Im Bank. Ohio has had quicker increases in job growth than other States.

We know that the manufacturing sector nationally has gained back some number of jobs that it lost. As an example, from 1965 to 1998 or 1999, this country had roughly the same number of manufacturing jobs. It was a smaller

percentage of GDP and a smaller percentage of the workforce but a pretty constant similar number of jobs in 1999 as we had in 1965. But in the decade after 1999, we lost between 3 and 4 million manufacturing jobs in this country.

Since 2010, almost every single month we have seen manufacturing jobs increase in Ohio, in the Presiding Officer's home State of North Carolina, and in State after State in this country. That is good, obviously, but too many people in my State are still out of work or underemployed. What will happen to Ohio workers in our growing manufacturing sector if we fail to do what we should be doing here, if we fail to fund this critical resource?

Ohio's manufacturers have been able to increase their exports with the assistance and the assurance that the Ex-Im Bank provides. In Fremont, OH, workers at Crown Battery, an employee-owned company, make renewable energy systems. With the help of the Ex-Im Bank's short-term, multibuyer insurance policy, about \$400,000 worth of Crown Battery's storage battery manufacturing equipment was exported to South Africa. Middletown Tube Works in Butler County in southwest Ohio exports tubular steel to Spain and Portugal with less risk because of the Ex-Im Bank. Before that support, Nook Industries in Cuyahoga County required international customers to pay cash in advance of every order, which is an average of 4- to 6-weeks. Now Nook Industries has major customers in places such as China, South Korea, and Israel because of Ex-Im Bank support.

Exporting is especially tough for small businesses. Large businesses need this less than the small company that makes things, that manufactures things. Less than 1 percent of the Nation's nearly 26 million small businesses export their products. Imagine if we can increase that only a little bit in percentage terms.

One of the most important resources to help small and medium-sized businesses—especially those that make things—boost their exports is the Ex-Im Bank. That is why the Ohio Manufacturers Association strongly supports its reauthorization. They said:

The Ex-Im Bank is the only tool that American manufacturers have to counter the huge sums of export financing—many hundreds of millions of dollars—that other countries and other governments provide their exporters.

Tom Buffenbarger, president of the International Association of Machinists, told the Senate Banking Committee:

America's working families struggle in today's difficult economy [and] have little patience for Beltway politics that continue to stall a proven instrument of export growth and job creation.

I hear from the head of the Ohio Manufacturers Association and I hear from small business owners who want to expand and gain access to foreign