

Rubio	Stabenow	Walsh
Sanders	Tester	Warner
Schatz	Thune	Warren
Schumer	Toomey	Whitehouse
Scott	Udall (CO)	Wicker
Sessions	Udall (NM)	Wyden
Shaheen	Vitter	

## NAYS—4

Crapo	Roberts
Risch	Shelby

## NOT VOTING—1

Nelson

The nomination was confirmed.

Mrs. FEINSTEIN. Mr. President, I am very pleased to express my strong support for two highly qualified nominees to the U.S. District Court for the Northern District of California:

Superior Court Judge Beth Freeman, and James Donato.

I recommended these candidates to President Obama after my bipartisan screening committee gave them both strong recommendations.

I am very pleased they will soon fill two longstanding vacancies in the Northern District of California.

Judge Freeman earned her law degree from Harvard Law School in 1979, and she served in the County Counsel's Office in San Mateo for 18 years.

She has spent the last 12 years on the San Mateo Superior Court, including as presiding judge and assistant presiding judge. She has presided over more than a thousand trials, and she has experience in both civil and criminal cases.

I have received letters of support for Judge Freeman from Don Horsley, president of the San Mateo Board of Supervisors and former chair of the County's Domestic Violence Council, and from Stephen Wagstaffe, San Mateo District Attorney.

These letters are strong endorsements for Judge Freeman, and I will simply quote what Mr. Wagstaffe said: "In 36 years as a prosecutor in San Mateo County, I have not seen a better judge in all respects than Judge Freeman."

That is very high praise, and I am pleased Judge Freeman soon will be confirmed and begin her service as a Federal judge in San Jose.

Let me now describe Jim Donato, who once confirmed will serve in San Francisco.

Mr. Donato earned his law degree from Stanford Law School where he was a Senior Editor of the Stanford Law Review. He clerked for Judge Procter Hug on the Ninth Circuit.

He served for 3 years in the City Attorney's Office in San Francisco. He has built a distinguished record over two decades as a private practitioner handling complex civil cases such as antitrust cases, at Cooley LLP and Shearman & Sterling LLP.

Complex civil experience is especially important in Northern California because the Northern District's docket is 84 percent civil, according to the most recent statistics.

Mr. Donato also is a leader in the San Francisco legal community where he has devoted much of his time to the Bar Association of San Francisco, including as its President in 2008.

I have great confidence Mr. Donato will be an outstanding federal district judge.

Let me close by noting that each of these nominees will fill a judicial vacancy that has been designated as a "judicial emergency" by the Judicial Conference of the United States.

The Northern District's weighted caseload per judgeship is over 13 percent above the national average. Filings per active judge are up 17 percent since 2008. In fact, it now takes 27 percent longer for a civil case to get to trial than it did in 2010.

The vacancy Judge Freeman would fill has existed for over 800 days. The vacancy Mr. Donato would fill has existed for over 500 days.

It is long past time for these seats to be filled. Indeed, each of these nominees should have been confirmed in 2013—but, unfortunately, each had to be renominated in this session and voted out of the Judiciary Committee for a second time. This wasted several months during which each could have been serving as a Federal Judge.

Nevertheless, I am very pleased that, today, Judge Freeman and Jim Donato will be confirmed and will be able to assume their duties shortly.

I urge my colleagues to support both of these fine nominees.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the Donato nomination.

Who seeks recognition?

The Senator from Vermont.

Mr. LEAHY. Mr. President, the next nominee, James Donato of California, was originally nominated in June of 2013. He was voted out of the Judiciary Committee unanimously.

I have heard from my friends on the Republican side that we should be concerned about emergency vacancies. This is an emergency vacancy. He was reported out unanimously for the first time last October. He had to be reported out a second time this year—again, unanimously. He has the strong support of the two Senators from California. So holding up and having a filibuster and going through all of that on this nomination is the kind of game playing that hurts the Federal judiciary. It is almost like the efforts made by our friends on the other side in closing down the government last year, and this is just a slow way to close down the Federal judiciary.

I urge immediate consideration and confirmation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, may I direct a question through the Chair to the distinguished chairman of the Judiciary Committee.

Does the chairman of the committee think we should have a recorded vote on this?

Mr. LEAHY. I would be happy to have a voice vote.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. No one is standing. I yield back the time.

Mr. HATCH. I yield back the time.

The PRESIDING OFFICER. Without objection, the time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

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 James Donato, of California, to be United States District Judge for the Northern District of California.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark L. Pryor, Mark Begich, Robert Menendez, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of James Donato, of California, to be United States District Judge for the Northern District of California, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Michigan (Mr. LEVIN) and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 40 Ex.]

## YEAS—55

Baldwin	Harkin	Pryor
Begich	Heinrich	Reed
Bennet	Heitkamp	Reid
Blumenthal	Hirono	Rockefeller
Booker	Johnson (SD)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Landrieu	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

## NAYS—42

Alexander	Chambliss	Crapo
Ayotte	Coats	Cruz
Barrasso	Coburn	Enzi
Blunt	Cochran	Fischer
Boozman	Corker	Flake
Burr	Cornyn	Graham

Grassley	Lee	Rubio
Heller	McCain	Scott
Hoever	McConnell	Sessions
Inhofe	Moran	Shelby
Isakson	Paul	Thune
Johanns	Portman	Toomey
Johnson (WI)	Risch	Vitter
Kirk	Roberts	Wicker

ANSWERED "PRESENT" —1

Hatch

NOT VOTING—2

Levin

Nelson

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 42, 1 Senator voting "present." The motion is agreed to.

The majority leader.

Mr. REID. Madam President, Chairman LEAHY has told me that he has no need for a rollcall vote. I would hope others would also agree.

#### NOMINATION OF JAMES DONATO TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of James Donato, of California, to be United States District Judge for the Northern District of California.

Mr. GRASSLEY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back. There will be 2 minutes of debate equally divided between the two leaders or their designees.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, for the benefit of the people of this country who have been listening to the complaints in the Senate from Senators about not approving judges, let me remind everybody that at this point we have approved over 220 judges appointed by this President. Only two have been disapproved. That is more than 99 percent.

As far as the second term of this administration is concerned, I want to say that after the Senate confirms the three district court judges we will approve today, we will have confirmed 50 of President Obama's judicial nominees during his second term. Up to this point in President Bush's second term, the Senate had confirmed only 21. So that is 50 to 21 as far as the production of this Congress for approving judges.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I have deep respect for my friend the senior Senator from Iowa. But he has been listening to himself talk too much and he is starting to believe it. Everyone knows we are in this situation because the Republicans are slow-walking every nomination—every nomination.

There is no reason, no reason whatsoever, that we are having votes on cloture on these judges, as Senator LEAHY pointed out earlier, reported out unanimously.

It is a waste of the taxpayers' time to go through the process we have been going through. We are going to continue working to move the backlog. We have scores of judges, district court judges, and we have a number of circuit court judges. We are going to, in the near future, file cloture on all of them. If that is what the Republicans want us to do, then that is what we will do. The American people will see the colossal waste of time we have been going through, not only on district court judges but circuit court judges and all nominations.

I would suggest to my friend the senior Senator from Iowa he not believe his own words because they are simply not true.

The PRESIDING OFFICER. All time is expired.

The question is, Will the Senate advise and consent to the nomination of James Donato, of California, to be U.S. District Judge for the Northern District of California?

The yeas and nays were ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

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

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—90

Alexander	Flake	McCaskill
Ayotte	Franken	McConnell
Baldwin	Gillibrand	Menendez
Barrasso	Graham	Merkley
Begich	Grassley	Mikulski
Bennet	Hagan	Moran
Blumenthal	Harkin	Murkowski
Booker	Hatch	Murphy
Boozman	Heinrich	Murray
Boxer	Heitkamp	Paul
Brown	Heller	Portman
Burr	Hirono	Pryor
Cantwell	Hoever	Reed
Cardin	Inhofe	Reid
Carper	Isakson	Rockefeller
Casey	Johanns	Rubio
Chambliss	Johnson (WI)	Sanders
Coats	Kaine	Schatz
Coburn	King	Schumer
Cochran	Kirk	Scott
Collins	Klobuchar	Sessions
Coons	Landrieu	Shaheen
Cornyn	Leahy	Stabenow
Cruz	Lee	Tester
Donnelly	Levin	Thune
Enzi	Manchin	Toomey
Feinstein	Markey	Udall (CO)
Fischer	McCain	Udall (NM)

Vitter	Warren	Wicker
Walsh	Whitehouse	Wyden

NAYS—5

Blunt	Risch	Shelby
Crapo	Roberts	

NOT VOTING—5

Corker	Johnson (SD)	Warner
Durbin	Nelson	

The nomination was confirmed.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the Freeman nomination.

Who yields time?

If no one yields time, time will be charged equally.

Mr. COATS. I yield back the remaining time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

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 Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark L. Pryor, Mark Begich, Robert Menendez, Tom Harkin, Amy Klobuchar, Christopher Murphy, Patty Murray, Jon Tester, Richard J. Durbin, Barbara Boxer, Angus S. King, Jr., Claire McCaskill, Richard Blumenthal, Sheldon Whitehouse, Jack Reed.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Beth Labson Freeman, of California, to be United States District Judge for the Northern District of California shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) is necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—56

Baldwin	Cardin	Franken
Begich	Carper	Gillibrand
Bennet	Casey	Hagan
Blumenthal	Collins	Harkin
Booker	Coons	Heinrich
Boxer	Donnelly	Heitkamp
Brown	Durbin	Hirono
Cantwell	Feinstein	Johnson (SD)