

The question is, Will the Senate advise and consent to the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin?

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Delaware (Mr. COONS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 138 Ex.]

YEAS—70

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Grassley	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Blunt	Hatch	Reed
Booker	Heinrich	Reid
Boxer	Heitkamp	Rockefeller
Brown	Hirono	Sanders
Burr	Isakson	Schatz
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Shaheen
Carper	Kaine	Stabenow
Casey	King	Tester
Chambliss	Kirk	Udall (CO)
Coats	Klobuchar	Udall (NM)
Collins	Leahy	Vitter
Corker	Levin	Walsh
Cornyn	Manchin	Warner
Donnelly	Markley	Warren
Durbin	McCain	Whitehouse
Feinstein	McCaskill	Wyden
Flake	Menendez	
Franken	Merkley	

NAYS—24

Barrasso	Inhofe	Roberts
Cochran	Johanns	Rubio
Crapo	Lee	Scott
Cruz	McConnell	Sessions
Enzi	Moran	Shelby
Fischer	Paul	Thune
Heller	Portman	Toomey
Hoeven	Risch	Wicker

NOT VOTING—6

Begich	Coburn	Landrieu
Boozman	Coons	Pryor

The nomination was confirmed.

**NOMINATION OF NANCY J. ROSENSTENGEL TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS—Continued**

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the Rosenstengel nomination.

Mr. DURBIN. Madam President, I rise to speak in support of Nancy Rosenstengel's nomination to serve as a District Court judge in the Southern District of Illinois.

Ms. Rosenstengel has the experience, integrity and judgment to be an outstanding member of the Federal bench. She has been nominated to fill the judgeship in the East St. Louis courthouse that was left vacant by the retirement of Judge G. Patrick Murphy last December. This vacancy has been designated as a judicial emergency, and I am glad that the Senate is moving forward to fill it.

Ms. Rosenstengel knows the East St. Louis Federal courthouse well. She currently serves as the Clerk of Court for the Southern District, a position she has held for the last 5 years. In this capacity, she serves as the chief administrative officer for the court and handles the day-to-day management of its functions. She has received widespread praise for her skillful handling of the court's operations and policies.

Previously, Ms. Rosenstengel worked in private practice at the law firm Sandberg, Phoenix and von Gontard, and she served for 11 years as a judicial law clerk to Judge Murphy, the judge she has been nominated to replace. As Judge Murphy's career law clerk, Ms. Rosenstengel assisted him in hundreds of civil and criminal proceedings. It is hard to imagine better training for a judgeship than the work Ms. Rosenstengel performed for over a decade at Judge Murphy's side.

Ms. Rosenstengel was born in Alton and currently lives in Belleville. She received her B.A. from the University of Illinois in Urbana-Champaign and her J.D. from Southern Illinois University School of Law.

Ms. Rosenstengel's nomination is historic. No woman has ever before served as an Article III Federal judge in the Southern District of Illinois. Upon confirmation, Nancy Rosenstengel will be the first. And she will do an outstanding job serving the people of the Southern District. She was recommended to me by a bipartisan screening committee that I established to review judicial candidates for the Southern District. I was proud to recommend her name to the President, and I appreciate the support of my colleague Senator KIRK for her nomination.

Ms. Rosenstengel had her hearing before the Judiciary Committee in January. In February, she was reported out of committee by a unanimous voice vote. In short, she is an outstanding nominee and I urge my colleagues to support her confirmation.

Mr. LEVIN. Madam President, I ask unanimous consent to yield back all time.

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

All time is yielded back.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 139 Ex.]

YEAS—95

Alexander	Graham	Murphy
Ayotte	Grassley	Murray
Baldwin	Hagan	Nelson
Barrasso	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Reed
Blunt	Heitkamp	Reid
Booker	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Cochran	Kirk	Shelby
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Levin	Toomey
Crapo	Manchin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Vitter
Durbin	McCaskill	Walsh
Enzi	McConnell	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Moran	Wyden
Gillibrand	Murkowski	

NOT VOTING—5

Begich	Coburn	Pryor
Boozman	Landrieu	

The nomination was confirmed.

Mr. REID. Madam President, on the next nomination, I ask unanimous consent to yield back that time, and this will be the last vote.

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

Mr. REID. Madam President, the remaining votes, if any, will be by voice. On Monday we will have at least three votes starting at 5:30 p.m.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 Robin S. Rosenbaum, of Florida, to be

United States Circuit Judge for the Eleventh Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. All time has been yielded back. 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 Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh District, 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. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 140 Ex.]

#### YEAS—57

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

#### NAYS—37

Alexander	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeben	Scott
Cochran	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Toomey
Cruz	Kirk	Vitter
Enzi	Lee	Wicker
Fischer	McCain	
Flake	McConnell	

#### NOT VOTING—6

Begich	Burr	Moran
Boozman	Coburn	Pryor

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 37. The motion is agreed to.

Under the previous order, with respect to the Talwani, Peterson, and Rosenstengel nominations, the motions

to reconsider are considered made and laid upon the table.

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

The PRESIDING OFFICER. The Senator from Alabama.

#### CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 140, I voted aye and it was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. SESSIONS. I thank the Chair.

I would note that the issues revolving around judicial confirmations in which we are routinely voting on cloture after the execution of the nuclear option, we are having more of these votes than we used to have.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session.

#### NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The ACTING PRESIDENT pro tempore. The clerk will report the Rosenbaum nomination.

The assistant bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

#### NOMINATION OF THEODORE REED MITCHELL TO BE UNDER SECRETARY OF EDUCATION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the Mitchell nomination.

The bill clerk read the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education.

Mr. FRANKEN. Mr. President, I yield back all time on the nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Ms. WARREN. Mr. President, earlier today the Senate confirmed Indira Talwani to fill a judicial vacancy on the District Court for the District of Massachusetts.

Ms. Talwani's nomination came after she was recommended to me for this position by the Advisory Committee on Massachusetts Judicial Nominations. The Advisory Committee is comprised of distinguished members of the Massachusetts legal community, including prominent academics and litigators, and is chaired by former Massachusetts district court judge Nancy Gertner. The Advisory Committee's recommendation reflects the strength of Ms. Talwani's resume, the exceptionally warm reviews she received from those who have worked with her, and the firm conviction of the Massachusetts legal community that she will make an excellent district court judge.

Indira Talwani is the daughter of immigrants from India and Germany. She graduated with honors from Harvard University, and was later named Order of the Coif at Boalt Hall School of Law at the University of California, Berkeley. Immediately after law school, Ms. Talwani spent 1 year serving as a law clerk to Judge Stanley A. Weigel on the U.S. District Court for the Northern District of California, building practical experience that will serve her well as a district court judge. She subsequently worked for several years as an associate and later as a partner at the firm Altschuler, Berzon, Nussbaum, Berzon & Rubin in San Francisco, before moving in 1999 to join Segal Roitman, LLP in Boston, where she is currently a partner.

Ms. Talwani has an impressive track record as a litigator, having represented clients in matters before the Massachusetts State trial courts and appeals courts, as well as the district court to which she has been nominated, the Federal Courts of Appeals, and the U.S. Supreme Court.

In addition to her broad credentials and wide litigation experience, Ms. Talwani has developed particular expertise in legal issues that relate to employment. She is the associate editor of a treatise on the Family and Medical Leave Act compiled by the American Bar Association. Her work representing an investment advisor whistleblower who was allegedly retaliated against for reporting accounting irregularities to her supervisor earned her the distinction of being named one of Massachusetts Lawyers Weekly's Top 10 Lawyers for 2010, and she recently won a victory in that case on appeal before the U.S. Supreme Court.

Ms. Talwani is also committed to public service, providing pro bono representation to indigent clients. She has worked with Greater Boston Legal Services to ensure that low income clients have access to counsel.

Ms. Talwani's nomination is strongly supported by the Asian American Lawyers Association of Massachusetts. Asian Americans are a fast-growing segment of our State's population, and that growth is reflected in our State bench—which currently has 10 Asian American judges. Remarkably, when confirmed, Ms. Talwani will be the first