

pending on the floor for over 3 months. Since he was first nominated, Judge Restrepo's nomination has been pending for a staggering 348 days. The national president for the Hispanic National Bar Association, which strongly supports Judge Restrepo's nomination, wrote last week in the *Huffington Post* about the inexcusable delay in his confirmation. I ask unanimous consent that a copy of this article be printed in the *RECORD* at the conclusion of my remarks.

Contrast Senate Republican's treatment of Judge Restrepo with President Bush's nominee to the third circuit, Judge Thomas Hardiman, who was nominated in the last 2 years of the Bush Presidency. Judge Hardiman was confirmed in nearly half the time Judge Restrepo has been waiting, taking only 183 days from nomination to his confirmation. Furthermore, it took only 7 days for Judge Hardiman to receive a confirmation vote once he was reported out of the Senate Judiciary Committee. Judge Restrepo has been pending on the floor for 109 days—15 times longer than Judge Hardiman. I hope the Republican Senator from Pennsylvania will implore his leadership to bring this highly qualified nominee up for a vote without further delay. Let us then turn to votes on the rest of the 12 pending judicial nominees without further delay.

Shortly we will begin voting on Lawrence Vilardo to fill a judicial vacancy in the Federal District Court for the Western District of New York. Since 1986, he has practiced as a named partner at the law firm of Connors & Vilardo, L.L.P., in Buffalo, NY. He previously practiced at Damon & Morey, in Buffalo, NY, from 1981 to 1986. The ABA standing committee on the Federal Judiciary unanimously rated Mr. Vilardo "well qualified" to serve on the U.S. District Court for the Western District of New York, its highest rating. He has the support of his two home State Senators, Senator SCHUMER and Senator GILLIBRAND. He was voted out of the Judiciary Committee by unanimous voice vote on May 6, 2015. I will vote to support his nomination.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Huffington Post*, Oct. 21, 2015]

**THE CURRENT SENATE GRIDLOCK IS HURTING
THE DIVERSITY OF OUR JUSTICE SYSTEM**

(By Robert T. Maldonado)

Born in Medellin, Colombia and raised in the United States, Judge L. Felipe Restrepo's life reads like a textbook case of the American Dream. With a bachelor's from the University of Pennsylvania and a law degree from Tulane, he set off on a successful career in criminal defense and civil rights litigation, eventually serving as a magistrate judge for 7 years.

But Judge Restrepo's story of immigrant success seems to be on hold for the moment. That's because he's been waiting since November 2014, when President Barack Obama appointed him to serve on the Third Circuit Court of Appeals, to be confirmed as an appeals court judge.

After a thorough due diligence process, the Hispanic National Bar Association (HNBA) endorsed Judge Restrepo in March 2015, but we didn't stop there. When we saw the lack of progress on his nomination, the HNBA successfully pushed for the Senate Judiciary Committee to hold his nomination hearing, and continues to push for a confirmation vote on the floor of the Senate.

Unfortunately, Judge Restrepo's predicament isn't unique. Two other HNBA-endorsed judicial candidates are stuck in the political gridlock, and a total of 30 judicial nominees (two-thirds of them women or minorities) await Senate confirmation with little idea of when that will happen. According to the judicial watchdog group Alliance for Justice, the Senate has confirmed only 8 judges in 2015, the slowest pace in over 60 years. Almost half of the vacancies on the federal bench have been declared "judicial emergencies," where the remaining judges are overworked trying to make a dent into the backlog of cases, sometimes in excess of 600 filings per judge.

The backlogs are having a real effect on the people and businesses seeking recourse through the court system. As one California district court judge put it:

"Over the years I've received several letters from people indicating, 'Even if I win this case now, my business has failed because of the delay. How is this justice?' And the simple answer, which I cannot give them, is this: It is not justice. We know it."

Our state of justice is suffering and so is our economy. The states where the backlogs and vacancies are the worst (including Texas, New York, and Florida) happen to be where large Latino communities reside. Given that President Obama has nominated more female and minority candidates to the federal bench than any other President, the delay in judicial confirmations is also a delay in increased diversity, and thus the quality of justice, in our nation's court system.

This manufactured crisis is the doing of Senate leaders who prefer to score political points rather than fulfill their constitutional obligations. Those same political leaders need to know that by dragging their feet on these nominations they are not only hurting the nominees but also the integrity and diversity of our federal court system. Nominees like Judge Restrepo have entire communities backing them in their professional journeys, and come election time, they won't hesitate to register their disapproval.

For their sake and the sake of our justice system, let's end this judicial vacancy crisis.

Mr. MCCAIN. Mr. President, I ask unanimous consent that all time be yielded back.

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

The question is, Will the Senate advise and consent to the Vilardo nomination?

Mr. MCCAIN. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Tennessee (Mr. CORKER), the Senator from Arkansas (Mr. COTTON), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRA-

HAM), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. RUBIO), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 284 Ex.]

YEAS—88

Alexander	Franken	Murray
Ayotte	Gardner	Nelson
Baldwin	Gillibrand	Perdue
Barrasso	Grassley	Peters
Bennet	Hatch	Portman
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Reid
Boozman	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rounds
Burr	Inhofe	Sasse
Cantwell	Isakson	Schatz
Capito	Johnson	Schumer
Cardin	Kaine	Scott
Carper	King	Sessions
Casey	Kirk	Shaheen
Cassidy	Klobuchar	Shelby
Coats	Lankford	Stabenow
Cochran	Leahy	Sullivan
Collins	Lee	Tester
Coons	Manchin	Thune
Cornyn	McCaín	Tillis
Daines	McCasikill	Udall
Donnelly	McConnell	Warner
Durbin	Menendez	Warren
Enzi	Merkley	Whitehouse
Ernst	Mikulski	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	
Flake	Murphy	

NOT VOTING—12

Blunt	Cruz	Rubio
Corker	Graham	Sanders
Cotton	Markey	Toomey
Crapo	Paul	Vitter

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

**TRIBUTE TO LYNNE MOORE
HEALY**

• Mr. BLUMENTHAL. Madam President, I would like to pay tribute to one of my constituents, who has recently retired from her position as a board of trustees distinguished professor at the University of Connecticut School of Social Work. Dr. Healy has served as a professor for over 30 exemplary years, preparing new generations of social workers for service in an increasingly diverse and global world.

Professor Lynne Healy has been an outstanding pioneer in the field of

international social work, making significant contributions with her publications and work in the classroom. Dr. Healy was instrumental in establishing the University's Center for International Social Work studies over 20 years ago. The center helps social workers develop a global perspective on human rights, human needs, social policy, and social work practice. These efforts have had a role in the overall establishment of this department as a nationally recognized faculty of experts.

We should all aspire to build such a prolific and inspirational legacy as Professor Lynne Healy. My wife, Cynthia, and I are honored to celebrate Dr. Healy's achievements, and we wish her all the best as she begins the next chapter of her life. I know that many across the State of Connecticut will join me in congratulating her on this laudable occasion.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on October 22, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1362. An act to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

S. 2162. An act to establish a 10-year term for the service of the Librarian of Congress.

H.R. 322. An act to designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the "Sgt. Zachary M. Fisher Post Office".

H.R. 323. An act to designate the facility of the United States Postal Service located at 55 Grasso Plaza in St. Louis, Missouri, as the "Sgt. Amanda N. Pinson Post Office".

H.R. 324. An act to designate the facility of the United States Postal Service located at 11662 Gravois Road in St. Louis, Missouri, as the "Lt. Daniel P. Riordan Post Office".

H.R. 558. An act to designate the facility of the United States Postal Service located at 55 South Pioneer Boulevard in Springboro, Ohio, as the "Richard 'Dick' Chenault Post Office Building".

H.R. 1442. An act to designate the facility of the United States Postal Service located at 90 Cornell Street in Kingston, New York, as the "Staff Sergeant Robert H. Dietz Post Office Building".

H.R. 1884. An act to designate the facility of the United States Postal Service located at 206 West Commercial Street in East Rochester, New York, as the "Officer Daryl R. Pierson Memorial Post Office Building".

H.R. 3059. An act to designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the "James Robert Kalsu Post Office Building".

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 774. An act to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 3:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1937. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to the United States economic and national security and manufacturing competitiveness.

ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) announced that on today, October 26, 2015, he has signed the following enrolled bills, previously signed by the Speaker of the House:

S. 1362. An act to amend title XI of the Social Security Act to clarify waiver authority regarding programs of all-inclusive care for the elderly (PACE programs).

S. 2162. An act to establish a 10-year term for the service of the Librarian of Congress.

H.R. 322. An act to designate the facility of the United States Postal Service located at 16105 Swingley Ridge Road in Chesterfield, Missouri, as the "Sgt. Zachary M. Fisher Post Office".

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H.R. 3059. An act to designate the facility of the United States Postal Service located at 4500 SE 28th Street, Del City, Oklahoma, as the "James Robert Kalsu Post Office Building".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1937. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2200. A bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3275. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrimethanil; Pesticide Tolerances" (FRL No. 9935-11) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3276. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Potassium Salts of Hops Beta acids; Exemption from the Requirement of a Tolerance" (FRL No. 9933-73) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3277. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Poly[oxy(methyl-1,2-ethanediyl)], a-[(9Z)-1-oxo-9-octadecen-1-yl]-w-[(9Z)-1-oxo-9-octadecen-1yl]oxy"; Exemption from the Requirement of a Tolerance" (FRL No. 9935-34) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3278. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-formula Federal Assistance Programs—Specific Administrative Provisions for the Food Insecurity Nutrition Incentive Grants Program" (RIN0524-AA65) received in the Office of the President of the Senate on October 19, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3279. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of the Exempt Commercial Market and Exempt Board of Trade Exemptions" (RIN3038-AE10) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3280. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3281. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report entitled "Report to Congress on Distribution of Department of Defense Depot Maintenance Workloads for Fiscal Years 2014 through 2016"; to the Committee on Armed Services.