Our plan to cut the deficit begins with ending wasteful subsidies to big oil. The Republican plan begins with ending Medicare as we know it. That is a bright-line difference between our side and theirs. We know what choice the American people will make.

Mr. President, I ask that the Presiding Officer report the nomination.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BLUMENTHAL). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MICHAEL FRANCIS URBANSKI TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Michael Francis Urbanski, which the clerk will report.

The legislative clerk read the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate with respect to the nomination, with the time equally divided in the usual form.

The Senator from Virginia.

Mr. WEBB. Mr. President, I was very gratified yesterday when the Senate unanimously voted to confirm Arenda Wright Allen as U.S. District Judge for the Eastern District of Virginia, and I am very glad to be here to speak in support of Virginia's nominee to the Western District of Virginia, Judge Michael Urbanski.

As I did yesterday, I wish to express my appreciation to the leadership of both parties in the Senate for scheduling these important confirmation votes. Filling existing vacancies on our courts is important to Virginia, it is important to America, particularly in these cases where the nominees are noncontroversial to either party and, thus, are able to be brought forward for reasonably quick confirmation.

One of the bedrock principles in this country is access to justice, and it can clearly be said that vacancies on our courts create backlogs, bottlenecks and delays, and justice delayed is obviously justice denied.

Again, I wish to express my appreciation to the leadership for moving these two very highly qualified nominees, Arenda Wright Allen, who was confirmed yesterday, and Judge Michael Urbanski, who will be voted on shortly.

In that regard, I am proud of the work we have been able to do during my time in the Senate in finding dedicated, well-qualified jurists from Virginia to recommend to the President when vacancies do occur on the Federal bench. When I first arrived in the Senate, Senator John Warner and I developed a robust, collaborative selection process to review candidates. Senator MARK WARNER and I have continued this thorough, deliberative process, and we were pleased to recommend Judge Michael Urbanski to President Obama in June of last year. President Obama first nominated Judge Urbanski for a seat on the U.S. District Court for the Western District of Virginia last December. He renominated Judge Urbanski earlier this year, and Judge Urbanski was reported out of the Judiciary Committee without opposition on March 10 of this year.

Senator WARNER and I jointly reviewed a highly competitive field from the Western District of Virginia. Judge Urbanski stood out to me because of the resounding recommendations from the bar associations which he covers now as a magistrate judge. Those recommendations all noted Judge Urbanski's incredible work ethic. He has worked tirelessly as a magistrate judge to ensure the efficient administration of justice in the Western District of Virginia. He has served in this capacity since 2004. He also has an outstanding reputation for fairness and a good judicial temperament. He has contributed to the efficiency of the Western District of Virginia by being an effective mediator, resolving a substantial number of disputes without lengthy litigation. He also recently established a veterans court in the Western District. This court strives to utilize the many services available to our veterans in order to try to find alternatives to incarceration from nonviolent offenders and to break the cycle of recidivism.

I am very proud to say Judge Urbanski is a product of Virginia's public universities. He graduated from the University of Virginia School of Law in 1981 and the Nation's oldest university, the College of William and Mary, in 1978.

Prior to becoming a Federal magistrate judge, Judge Urbanski earned a reputation as one of the top trial lawyers in western Virginia. He was the head of the law firm of Woods Rogers' litigation section and practiced in Roanoke from 1989 to 2004. I have met personally with Judge Urbanski. I am convinced he has the correct judicial temperament, intelligence, and dedication to make an excellent district court judge. I also had the pleasure of meeting with his family, many of his friends, law clerks, and colleagues. His dedication to his family and to his community is abundantly apparent.

Though I am proud Virginia has such an exemplary individual to put forward as a district judge nominee, the Judiciary Committee clearly shares this view, having voted out Judge Urbanski unanimously. I urge all my colleagues to support his confirmation.

Mr. WARNER. Mr. President, yesterday this Chamber came together to unanimously confirm Ms. Arenda Wright Allen to serve as a district judge in Virginia. I thank my colleagues from both sides of the aisle for their vote. I am confident that we will give the same support to another excellent nominee from Virginia under consideration today.

I rise to speak in support Judge Michael Urbanski to serve as the next U.S. district judge for the Western District of Virginia.

Judge Urbanski would be appointed to a court that is known for its rigor and quality. It is a court that requires a highly effective judge that is sensitive to the details of each case. I think Judge Urbanski is perfect for this job.

He graduated from the College of William and Mary and the University of Virginia Law School. He also served as a law clerk for the Honorable James Turk, a district judge in the Eastern District of Virginia.

Following his clerkship, he worked in the private sector where he built experience in antitrust litigation, counseling and investigations, contract and business tort litigation and intellectual property litigation.

Since 2004, he has served as a magistrate judge in Roanoke, VA, where he has built strong connections to the community and a reputation as a fair and impartial judge.

I would be remiss not to mention the overwhelming support his candidacy received from the legal community in which he will serve. In addition, the Virginia State Bar, the Virginia Women Attorneys Association and the Salem/Roanoke County Bar Association ranked Judge Urbanski as ''highly qualified'' or ''most highly qualified.''

I again would like to thank Chairman LEAHY and Ranking Member GRASSLEY for moving Judge Urbanski's nomination through the Judiciary Committee so that we could consider him today. As I testified at the hearing, I look forward to casting my vote in support of Judge Urbanski's nomination and encourage my colleagues on both sides of the aisle to do the same.

Mr. President, I ask unanimous consent that the time used in quorum calls during the debate on the Urbanski nomination be charged equally to both sides.

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

Mr. WARNER. 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.

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

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

Mr. GRASSLEY. Mr. President, I wish to address the Senate on the nomination of Michael Urbanski to be a U.S. district judge for the Western District of Virginia.

Since we have returned from the April recess, we have done very little else other than consider judicial nominations. This will be the third judicial nominee to be confirmed in the last 3 days and the 23rd confirmed this year. In fact, after today, we will have confirmed six judges in just 8 days. I know the liberal interest groups have been pressuring the other side to consider more nominees even though we have been moving at a very brisk pace this entire Congress, but it is surprising to me, with all the issues facing the Nation at home and abroad, that we would spend 2 weeks on the floor considering little else.

Our economy continues to struggle. Millions of Americans remain out of work and are unable to find jobs. The unemployment rate remains at approximately 9 percent. Those who do have jobs are finding it more and more difficult to get to work as gas prices are over $4 a gallon and inching even higher. Our Nation is facing significant national security issues. Every single day, our national debt continues to climb to unsustainable levels. These are incredibly important issues. I would not go so far as to say the majority does not care about the issues facing our Nation. Perhaps they are simply out of ideas. But as Americans continue to struggle in this economy, it is difficult to understand why we would spend 2 weeks voting on hardly anything but judicial nominations.

As I said, the Senate has been moving swiftly this year on those nominations. We have confirmed 23 nominees in just 49 days. That is a rate of one judge almost every other day the Senate has been in session since convening in January.

However, the Senate must not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people for the Senate to simply rubberstamp these nominations.

I was surprised during one of our recent debates to hear one of my colleagues on the committee come to the Senate floor and imply otherwise. During the debate on the confirmation of Edward Chen, a reference was made to what was characterized as the Senate's longstanding tradition—a deference to home State Senators with regard to the Federal district court nominations. That Senator stated that in his time in the Senate, where a Federal district court nominee is backed by the two home State Senators, it is usually almost pro forma that the nominee is confirmed.

The fact is that home State Senators do have a great deal to say in who should serve the country on the bench. That is part of the advise-and-consent process. But there are 100 voices in this body, and we speak for the American people who come before these jurists. We must ensure they are fit to serve as impartial arbiters.

I do not consider the confirmation process for a Federal judicial nominee to be a pro forma process. I will continue to give scrutiny to all nominees regardless of home State support. I do not consider it delay or obstruction to fulfill that duty. If the other side chooses to do so, of course, that is up to them, but I will not simply rubberstamp those nominees. We will continue to process the nominees fairly and with the standard to which the people rightly hold us.

I support today's nominee. Michael Francis Urbanski is nominated to be a U.S. district judge for the Western District of Virginia. He presently serves as a U.S. magistrate judge in the same district.

Judge Urbanski received his BA with high honors from William & Mary in 1978 and his juris doctorate from the University of Virginia School of Law in 1981. Upon graduation, he served as a law clerk to the Honorable James C. Turk of the U.S. District Court for the Western District of Virginia. From 1982 to 2004, Judge Urbanski worked in private practice, first as an associate at the Washington, DC, office of Vinson & Elkins and then with the firm of Woods Rogers, where he became a principal in 1989. In 2003, the nominee was appointed to his present position. In 2010, Chief Judge James Jones appointed the nominee to chair an advisory committee on the new local rules adopted in the Western District.

The American Bar Association Committee on the Federal Judiciary has given Judge Urbanski their highest rating—unanimously ''well qualified.''

I am pleased to support this experienced nominee, and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, today, the Senate considers the nomination of Michael Francis Urbanski to fill a judicial vacancy on the District Court for the Western District of Virginia. I thank the majority leader for scheduling the vote today on this nomination, as well as the vote yesterday on another nomination to fill a vacancy in Virginia. With vacancies at 90 in Federal courts throughout the country, I hope that we can continue to work together in the remaining weeks of this work period to ensure that the Federal judiciary has the resources it needs to fulfill its constitutional role.

Our action to take up and vote on these nominations from Virginia, and to come to a time agreement to debate and vote on the long-delayed nomination of Ed Chen to the Northern District of California earlier this week, show that the delays that have slowed our progress on nominations are unnecessary.

Judge Urbanski has been a magistrate judge for 7 years on the court to which has now been nominated. Previously, he was in private practice in Roanoke, VA, and Washington, DC, and was a law clerk to the Western District of Virginia Judge James C. Turk. Judge Urbanski's nomination has the support of both of his home State Senators, Senator WEBB and Senator WARNER. His nomination was reported unanimously by the Judiciary Committee over a month ago. I expect that it will be unanimously confirmed today.

In addition to Judge Urbanski, there remain another 10 judicial nominations on the Executive Calendar that have been ready for final Senate action for weeks and, in some cases, many months. Today we reported another five of President Obama's judicial nominations favorably. They are now, also, ready to be considered by the Senate. All of these nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. They should have an up-or-down vote after being considered by the Judiciary Committee, and without additional weeks and months of needless delay.

Our ability to make this kind of progress regarding nominations has been hampered by the creation of what I consider to be misplaced controversies about many nominees' records. Recently, Republican Senators have tried to twist nominees' litigation experience against them. Their partisan attacks are not consistent. Republicans oppose some nominees by saying that they do not have sufficient litigation experience. When a nominee has extensive experience and is a successful trial lawyer, they reverse themselves and complain that the nominee has too much experience and will be biased by it.

It is difficult to satisfy people whose standards change in order to explain their opposition. Republicans seem to react this way to President Obama, his actions and his nominees. Republicans were for a deficit commission until President Obama was for it; then they voted against it. They were for action in Libya until President Obama took action; then they were against it.

They opposed Judge McConnell of Rhode Island supposedly because he was an excellent trial lawyer. They opposed Judge Chen of California despite his 10 years as a fair and impartial Federal judge magistrate, because he was a staff attorney litigating to protect civil rights. Both of these nominees have assured us that they understand the difference between being an advocate for a client and serving as a judge. I have no doubt that they do. Judge Chen demonstrated his impartiality in 10 years of work as a Federal magistrate judge. Republicans chose to ignore his demonstrated qualifications and experience. They likewise ignore the sworn testimony of the nominees at our hearings and their answers to Republicans own questions. When they do that, it makes you wonder what is driving their decisions to oppose these qualified nominees.

These are Republican Senators who demanded that President Bush's nominees be confirmed despite their ideological commitment to conservative activism. In those years, Republicans argued that nominees' careers devoted

to serving corporate interests and conservative causes were irrelevant to the Senate's inquiry and that all nominees should be confirmed if they met basic qualifications. In President Bush's first term, the Senate regularly considered nominations, confirming 205 to lifetime appointments. We remain well behind that pace, having been allowed to consider only 83 of President Obama's nominations in nearly 28 months of his term.

Senate Republicans are now adopting a much different standard—and a shifting one at that. It almost seems like whatever might be claimed to justify strenuous opposition and voting no on an Obama nominee is justified by the end—opposing the President. That is wrong. That is wrong because this President has worked hard to consult with Republican home State Senators. Yet they still oppose them, including President Obama's first nomination that of Judge David Hamilton of Indiana. Despite Senator LUGAR's support, Republicans filibustered that nomination and delayed it for months. They have filibustered five of President Obama's judicial nominations to date.

It is wrong because their actions have created a judicial vacancies crisis that persists to this day. If the 22 judicial nominees Republicans point to as being confirmed this year, 15 should have been confirmed last year and were needlessly delayed. One even required cloture to end an unprecedented filibuster against a Federal trial court nominee.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 15 other judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The progress we have started to make these last 2 weeks is a sign that the Senate can do better to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country.

I congratulate Judge Urbanski and his family on his confirmation today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

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

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

The question is, Will the Senate advise and consent to the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia?

Mr. MANCHIN. Mr. 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 editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—94

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

NOT VOTING—6

Burr	Cochran	Murkowski
Coats	Hutchison	Vitter

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes, followed immediately by Senator ISAKSON for such time as he may consume.

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

ETHICS COMMITTEE REPORT ON FORMER SENATOR JOHN ENSIGN

Mrs. BOXER. Mr. President, yesterday the Senate Ethics Committee voted unanimously to release the special counsel's report regarding the actions of former Senator John Ensign.

The committee also voted unanimously to refer several findings to the Department of Justice and to the Federal Election Commission because we had reason to believe that Senator Ensign violated laws within their jurisdiction. I want to thank from the bottom of my heart the Senators who participated in this investigation, many of whom are on the floor today: my vice chairman, the extraordinary leader, Senator ISAKSON—and I say leader, I mean a leader on the committee. I consider him to be a cochair with me. And Senator ROBERTS, who has been on this committee for a long time, who has a sense of history, and a sense of levity, and pragmatism. I appreciated his cooperation.

I want to note the participation of SHERROD BROWN, who came on this committee and began this journey with us and his very important contribution; Senator RISCH, who brought with him a very strong legal slant on everything we did and was very valuable. I want to thank him.

I want to say a special word of thanks to Senator CARDIN who sat in on this case because Senator PRYOR felt he had too close a relationship with Senator Ensign and had to recuse himself. Senator CARDIN, we thank you so much for coming in and focusing on this case. I have to say, I am so grateful to how thoroughly and hard and collaboratively we all worked during this 22-month investigation. I say—and I mean—it was an honor to work with my colleagues.

The Ethics Committee is unique. Its staff is nonpartisan, and its actions are bipartisan. That is so important always, but particularly during these very polarized times, and also because this was such a long and difficult investigation for many reasons.

I want to be clear about why the committee is releasing its report to the public and why Senator ISAKSON and I are addressing the Senate today. If any of our colleagues wish to add to our comments, I hope they will do so. While Senator Ensign's resignation ended our investigation before the next phase, which was the adjudicatory phase or the trial phase, it did not end our profound responsibilities to the Senate, to our laws, to our rules, to our Constitution, and, of course, to the American people.

Article 1, section 5, clause 2 of the Constitution of the United States says that: ''each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.'' That is in the Constitution.

Senate rules give the Ethics Committee responsibility to investigate alleged violations of laws and rules and