

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term, and during that term the Senate confirmed a total of only 119 district and circuit court nominees.

Let me put it another way. Under similar circumstances when Supreme Court nominees were considered—the Senate confirmed 52 more district and circuit nominees for President Obama than for President Bush.

During the 2008 Presidential election year, the Senate confirmed a total of 28 judges—24 district and 4 circuit. During the 2012 Presidential election year the Senate greatly exceeded those numbers, having confirmed a total of 49 judges—44 district and 5 circuit. In fact, President Obama's confirmations during the 2012 election year exceed the previous five Presidential election years.

Furthermore, President Obama has the highest percentage of circuit confirmations over the past four Presidential terms. With regard to district confirmations, President Obama had more during the 112th Congress than in any of the previous eight Congresses, going back to 1994.

So those who say that this President is being treated differently either fail to recognize history or want to ignore the facts, or both.

With regard to today's nomination, I would like to say a few words about the nominee. I expect he will be approved and congratulate him on his confirmation.

Judge Bacharach graduated from University of Oklahoma with a B.A. in 1981 and earned his J.D. from the Washington University School of Law in 1985. Upon graduation, Judge Bacharach served as a law clerk from 1985 to 1987 to the Honorable William J. Holloway, Jr. on the U.S. Court of Appeals for the Tenth Circuit. After completion of his clerkship, he was hired as an associate at Crowe & Dunlevy, where he became a shareholder in 1994. He remained at the firm until becoming a U.S. magistrate judge in 1999. At Crowe & Dunlevy, he primarily practiced in commercial litigation, focusing on antitrust and franchise litigation. He also handled a considerable number of cases involving the Employee Retirement Income Security Act, ERISA, from 1996 to 1998.

From 1997 to 1999, Judge Bacharach served as an adjunct professor of law at the University Of Oklahoma School Of Law. During this period, he was a co-instructor for a class titled "Civil Pretrial Litigation."

In 1999, the U.S. district judges for the Western District of Oklahoma appointed Judge Bacharach to be a U.S. magistrate judge. As a magistrate judge, he manages all aspects of the pretrial process in civil and criminal cases: conducting evidentiary hearings, ruling on nondispositive motions, making reports and recommendations regarding dispositive motions, and issuing criminal complaints, search warrants, and arrest warrants.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum. If there is time remaining, I ask the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

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

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

Mrs. BOXER. Mr. President, we yield back the remaining time on the nomination.

The PRESIDING OFFICER. All debate time has expired.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. CRAPO), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 22 Ex.]

YEAS—93

Alexander	Enzi	McCain
Ayotte	Feinstein	McCaskill
Baldwin	Fischer	McConnell
Barrasso	Flake	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Graham	Moran
Blumenthal	Grassley	Murkowski
Blunt	Hagan	Murphy
Boozman	Hatch	Murray
Boxer	Heinrich	Nelson
Brown	Heitkamp	Portman
Burr	Heller	Pryor
Cantwell	Hirono	Reed
Cardin	Hoeven	Reid
Carper	Inhofe	Risch
Casey	Isakson	Roberts
Coats	Johanns	Rockefeller
Coburn	Johnson (SD)	Rubio
Cochran	Kaine	Sanders
Collins	King	Schatz
Coons	Kirk	Schumer
Corker	Klobuchar	Scott
Cornyn	Landrieu	Sessions
Cowan	Leahy	Shaheen
Cruz	Lee	Shelby
Donnelly	Levin	Stabenow
Durbin	Manchin	Tester

Thune	Vitter	Whitehouse
Toomey	Warner	Wicker
Udall (NM)	Warren	Wyden

NOT VOTING—7

Chambliss	Johnson (WI)	Udall (CO)
Crapo	Lautenberg	
Harkin	Paul	

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.

The Senator from Oklahoma.

BACHARACH CONFIRMATION

Mr. INHOFE. Mr. President, I am very pleased that we have just confirmed Judge Bacharach. He is going to make a great Federal judge. I have just been real pleased, I have to admit; I was literally running from the airport to get here because they had plane troubles, and I saw Senator PRYOR was in the same situation. So let me, first of all, thank the leadership for holding that vote open so I would not find myself in the embarrassing position of not voting to confirm my best friend from Oklahoma. So we are in that situation.

Let me just say that I am very proud of him. He actually started on the Tenth Circuit as a clerk. So he really knows this stuff. He has been there for a long time. As part of his profile, as a future goal, he intended to improve. He has actually made that statement. I believe "always working to improve" has been a defining characteristic of Judge Bacharach's career.

He graduated in the top 4 percent of his class in law school. He received all kinds of academic awards and maintained memberships in the highest orders of law school students. He began his legal scholarship on Law Review and has continued writing in a number of law journals.

As I said, he actually started in the Tenth Circuit working as a law clerk for the chief judge. So he knows that circuit. I do not think there is anyone out there who would know it better.

Judge Bacharach has multiple years of litigation experience working for the firm Crowe and Dunlevy in Oklahoma City and in public service as a Federal magistrate for the U.S. District Court in the Western District of Oklahoma. As evidence of his career of distinction, when Judge Bacharach was chosen to be a magistrate judge from a pool of many well-qualified candidates, the chief judge characterized the decision as "an easy one."

Since that time his colleagues have characterized his service as remarkable, demonstrating superb judicial temperament, and being a real asset to the Western District family and the