

above the restaurant, calling down to me and offering to fix a meal for me on his day off. That was the moment when service became friendship and I came to know the goodness of this man.

Yoshi was indeed a special kind of man. His last message was to keep Yoshi's Café going. He will be missed. Loretta and I send our prayers and thoughts to his wife, Nobuko; his daughter, Mari; his son, Ken; his brother Kazuhiro Katsumura; and grandson Hiro.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, we began this year with a new Republican majority in the Senate promising to govern responsibly. Unfortunately, this promise has so far proven hollow. Beginning with the shameful treatment of the nomination of Loretta Lynch to be Attorney General, the Republican leadership has used excuse after excuse to keep the Senate from voting on those nominated to serve in our justice system.

It took 4 months for the Republican majority to schedule a vote on a single judicial nomination. So far this year, the Republican-controlled Senate has allowed confirmation votes on just five judicial nominees. The slow trickle of confirmations is a dereliction of the Senate's constitutional duty to provide advice and consent on judicial nominees. Since the beginning of this year, the number of Federal court vacancies deemed to be "judicial emergencies" by the nonpartisan Administrative Office of the U.S. Courts has increased by 158 percent. There are now 31 judicial emergency vacancies that are affecting communities across the country. Many are concerned that this obstruction threatens the functioning of our independent judiciary, as Juan Williams recently pointed out. I ask unanimous consent that his column in *The Hill* titled "The GOP's judicial log jam" be printed in the RECORD.

There is a different way to lead. Similar to the balance of power today, in the last 2 years of the George W. Bush administration the Democrats were in control of the Senate. And by this time in 2007, when I was chairman of the Judiciary Committee, we had confirmed 26 judges. In contrast, this Congress, the Republican majority has confirmed just five judicial nominees appointed by President Obama. That is more than five times more judges confirmed under a Democratic majority with a President of the opposite party than today's Senate Republican majority.

The delay and obstruction is occurring even though all 14 of the current judicial nominees pending on the Executive Calendar have bipartisan support and were voted out of the Judiciary Committee by voice vote.

These nominees are highly qualified and deserve better treatment from Senate Republicans. Of great concern is the treatment of Judge Luis Felipe

Restrepo, who will fill an emergency vacancy on the U.S. Court of Appeals for the Third Circuit in Pennsylvania. Judge Restrepo was unanimously confirmed 2 years ago by the Senate to serve as a district court judge. I have heard no objection to his nomination. Yet it took 7 months just to get him a hearing in the Judiciary Committee.

He has strong bipartisan support from the two Pennsylvania Senators, and was voted out of the Judiciary Committee unanimously by voice vote. Once confirmed, Judge Restrepo will be the first Hispanic judge from Pennsylvania to ever serve on this court and only the second Hispanic judge to serve on the Third Circuit. He has the strong endorsement of the nonpartisan Hispanic National Bar Association, HNBA. At his hearing in June, Senator TOOMEY stated that "there is no question [Judge Restrepo] is a very well qualified candidate to serve on the Third Circuit" and underscored the fact that he recommended Judge Restrepo to the White House. Senator TOOMEY then described Judge Restrepo's life story as "an American Dream story" recounting how Judge Restrepo, born in Medellín, Colombia, came to the United States, became a U.S. citizen, and rose to the very top of his profession by "virtue of his hard work, his intellect, his integrity."

Given his remarkable credentials, recent Senate confirmation, and strong bipartisan support, you would think this Chamber would have confirmed Judge Restrepo months ago. No Senate Democrat opposes a vote on his nomination. Senate Republicans are the only thing holding up his nomination. I know Senator TOOMEY can be a fierce advocate for issues he cares passionately about, and I hope he will get a firm commitment from the majority leader on a date for a vote on his confirmation. The continued delay on such a qualified judicial nominee is a poor reflection on this body. I ask unanimous consent that a recent column by Carl Tobias in the *Pittsburgh Tribune-Review* titled "Confirm Judge Restrepo" also be printed in the RECORD.

Another eminently qualified nominee who is also strongly supported by the HNBA is Armando Bonilla. Mr. Bonilla has been nominated to serve on the U.S. Court of Federal Claims, and would be the first Hispanic judge to hold a seat on that court. Mr. Bonilla has spent his entire career—now spanning over two decades—as an attorney for the Department of Justice. He was hired out of law school in the Department's prestigious Honors Program, and has risen to become the Associate Deputy Attorney General in the Department. Despite these outstanding credentials, the junior Senator from Arkansas objected to a request to vote on his nomination, along with any of the four other nominations to the Court of Federal Claims. These CFC nominees have been waiting for more than 10 months for a vote, and were

twice voted out of the Judiciary Committee unanimously by voice vote.

Those who serve in this body understand that no one Senator can stop a judicial nominee from being confirmed. One Senator can stop a unanimous consent agreement, but not a vote. The delay and obstruction of the 14 judicial nominees pending on the Executive Calendar, including Judge Restrepo and Mr. Bonilla, is at the hands of the Republican leadership and in the hands of the other Republican Senators, who have allowed their leadership to delay these accomplished jurists and prosecutors, even when it hurts their own constituents.

Republican leadership can still reverse course and lead responsibly. Although they have only allowed 5 judicial nominees to be confirmed this year, they can make immediate progress by moving to confirm the 14 nominees pending on the Executive Calendar. They should schedule a vote for outstanding nominees like Judge Restrepo and Mr. Bonilla. They should schedule a vote for the pending judicial nominees from Missouri, California, New York, and Tennessee.

In the last 2 years of President Bush's tenure, the Democratic majority moved 68 district and circuit judges through the process to confirmation. In the last 2 years of President Reagan's tenure, a Democratic majority confirmed 85 judges. Let us go back to treating the Federal judiciary like the coequal branch that it is and hold confirmation votes on the nominees before us. There is no reason for the double standard based on who is in the majority. We made it clear we would not do that with President Reagan and President Bush. We should uphold the same standard for President Obama.

I hope that we return to the regular order that existed for the nominees of past administrations and clear the Senate Executive Calendar of consensus nominations before the upcoming recess. The time to act on the 14 consensus judicial nominations pending before the full Senate is now.

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

[From the Hill, July 27, 2015]

THE GOP'S JUDICIAL LOGJAM

(By Juan Williams)

As the hot Washington summer approaches August, the Senate's Republican majority is already on vacation from the work of confirming judges. At the current torpid pace, they will put the lowest number of judges on the federal bench in any year since 1969.

Do you think this crashed system for filling the federal bench has anything to do with the GOP Senate majority's distaste for the liberal in the White House—even if he was chosen by the American people twice as their president and given the constitutional authority to nominate judges?

Yes, this involves a heavy dose of simple obstruction by the GOP. Keep in mind that if it were not for Republican judges blocking President Obama's executive order on immigration, the GOP would have already lost that fight. So in a politically polarized nation, Republicans have reason to keep an eye on the partisan make-up of the courts.

That is just one of the many political backroom plots being played out in the Senate over control of the nation's courts.

The game begins with GOP payback for the Democrats having changed the filibuster rules in 2013 to allow confirmation with a simple majority vote. That "nuclear option" broke the GOP hold on judicial nominations while Democrats still held the majority and cleared the way for 96 judges to take their seats.

Now the GOP holds the Senate majority and Republicans have slammed the lid on new judges from Obama. This makes judicial nominations a valuable point of leverage in future negotiations with the White House over budget issues, regulation and more.

And with a presidential election next year, the GOP hopes to soon have a president of its own sending over nominations, beginning January 2017. Then, there is the reality that four of the five current Supreme Court justices are over the age of 75—including Justice Anthony Kennedy, the "swing vote." Republicans have little incentive to allow Obama to put more Democrats throughout the nation's judiciary.

The extreme Republican anger at the federal courts is already a big issue in the 2016 presidential race. Last week, Sen. Ted Cruz (R-Texas), chairman of the Judiciary Committee's oversight panel for the federal courts, held a hearing titled: "With Prejudice: Supreme Court Activism and Possible Solutions." He called the hearing to show the depths of his upset with the recent decisions to uphold ObamaCare and grant same-sex couples the right to marry.

Cruz, a former Supreme Court law clerk, used the hearing to trash a court with a majority of five conservatives, led by a conservative—Chief Justice John Roberts—and by all measures a strongly conservative record in rulings on guns, campaign spending, and blocking Environmental Protection Agency regulation of airborne chemicals.

As a candidate for the GOP's 2016 presidential nomination, Cruz knows the high court's standing among Republican voters is low. After the ObamaCare and gay marriage decisions, only 18 percent of Republicans told Gallup last week that they approve of the court. Cruz set the tone for his hearing by saying he wanted to review "options the American people have to rein in judicial tyranny."

Sen. Cruz is a fan of extreme action to deal with this "tyranny." He is proposing having Supreme Court justices stand for retention election every eight years.

Former Arkansas Gov. Mike Huckabee, another candidate for the GOP presidential nomination, favors term limits.

Sen. Jeff Sessions (R-Ala.) declared during the hearing that the current court has a "foreign, unhistorical approach to law."

Between the Senate Republicans' success at clogging the judicial appointment process and the burst of harsh rhetoric, there is a growing risk of a serious erosion of the public trust in the nation's judicial system.

Obama also is playing the dangerous game. He has not nominated anyone to fill 47 of the 63 open seats on the federal bench. No doubt he feels it would be a waste of time to keep pushing good money—in this case judicial nominees—down a hole. The president does have seven judicial nominees before the Senate and three would help with the judicial emergencies.

For both liberals and conservatives, the current roadblock has consequences. According to www.uscourts.gov, 28 federal courts have now declared "judicial emergencies" because they lack enough judges to hear pending cases.

Earlier this month, the Senate confirmed its fifth federal judge for the year, Kara

Stoll. The current Senate is so far behind they have not reached the half-way point to match the previous record low for confirmations, 12, set in President Obama's first year in office.

The number of judges confirmed during President George W. Bush's second term, higher than the current rate for Obama, is still less than the number of judges confirmed in the final two years of Presidents Reagan and Clinton.

But now that Republicans are in charge, the Bush record looks generous.

"It's ridiculous," said Sen. Patrick Leahy (D-Vt.). He chaired the Senate Judiciary Committee with the Democrats in the majority. "They are trying to politicize the courts. And it's irresponsible. I refused to do it with President Reagan. I refused to do that with President [George W.] Bush."

Can the Senate expect better results with a President Hillary Clinton or President Bernie Sanders? How about President Jeb Bush or President Donald Trump? Most likely it will be more of the same—a continuing loss of the bipartisan trust and respect that once made America's courts the gold standard of justice for the world.

[From Pittsburgh Tribune-Review, July 30, 2015]

CONFIRM JUDGE RESTREPO
(By Carl Tobias)

Today, as in 2007, a Pennsylvania federal district court judge's unopposed nomination to the Third Circuit requires a final vote in a Senate the president's party does not control. On March 15, 2007, a Democrat Senate confirmed President George W. Bush's nomination of Pittsburgh District Judge Thomas Hardiman one week after his Judiciary Committee approval.

This precedent is one reason Senate Majority Leader Mitch McConnell, R-Ky., must schedule an immediate vote on Judge Luis Felipe Restrepo's nomination, which the committee approved on July 9. Restrepo would fill one of 28 vacancies the courts have declared judicial emergencies.

President Obama nominated the experienced, uncontroversial jurist in November on the strong bipartisan recommendation of Pennsylvania Sens. Bob Casey (D) and Pat Toomey (R). Moreover, on July 1, Third Circuit Judge Marjorie Rendell assumed senior status. This means that Judge Hardiman is one of six active Pennsylvania members on the court, which experiences two vacancies in 14 positions.

Toomey's spokesperson says that the senator has spoken directly with McConnell "to emphasize the importance of getting Judge Restrepo confirmed" but did not indicate Toomey urged a prompt vote. As Senate Minority Leader Harry Reid, D-Nev., said on July 7, if Toomey simply asked "to confirm Judge Restrepo immediately, (I'm confident) we could confirm Judge Restrepo to the Third Circuit next week."

Obama has consulted with Casey and Toomey, who have cooperated in helping to fill one Pennsylvania Third Circuit seat and 14 district court posts since 2011. They have carefully reviewed applicants and proposed excellent individuals whom Obama usually nominates.

However, the Senate slowly processes nominees. Most critical have been Republican delays of floor votes. For example, between November 2013 and late March 2014, the Eastern District faced seven openings. The many prolonged vacancies have slowed federal court litigation, requiring people and businesses to wait interminably for case resolution.

Casey and Toomey suggested Restrepo for the Eastern District, and the Senate ap-

proved him on a June 2013 voice vote. Each assumed credit for proposing Restrepo's Third Circuit nomination in November press releases. Toomey exclaimed that Restrepo would "make a superb addition to the Third Circuit," but the legislator retained his "blue slip"—which permits a nominee to proceed—from Nov. 12 until May 14, even though Casey submitted his in November. The jurist's June 10 hearing was long overdue.

At his hearing, Restrepo comprehensively and candidly answered questions and senators appeared satisfied. For example, Sen. Thom Tillis, R-N.C., who chaired the hearing, observed that Restrepo has been reversed only twice.

McConnell has not publicly stated when he would arrange a floor debate and vote. However, on June 4, he suggested he might not allow ballots for more Obama circuit nominees, although he did finally accord Kara Farnandez Stoll, a Federal Circuit candidate who had waited 10 weeks, July floor consideration.

The Third Circuit needs all its members to deliver justice, and Restrepo has languished over eight months. The Senate must confirm him before the August recess.

NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request at the present time relating to the appointment of Bradley Duane Arsenault, of FL; Bret Thomas Campbell, of TX; Karen Stone Exel, of CA; Gloria Jean Garland, of CA; Michael H. Hryshchyn, Jr., of VA; Ying X. Hsu, of CA; Stephen S. Kelley, of VA; Mary Catherine Leherr, of VA; Denise G. Manning, of VA; Paul Karlis Markovs, of MI; Scott Currie McNiven, of AZ; Hanh Ngoc Nguyen, of CA; Denise Frances O'Toole, of ME; Marisol E. Perez, of NJ; Ronald F. Savage, of NM; Adam P. Schmidt, of CT; Anna Toness, of TX; Michael J. Torreano, of FL; Nicholas John Vivio, of DC; Jamshed Zuberi, of CA as Foreign Service Officer Class Two, Consular Officer and Secretary in the Diplomatic Service of the United States of America.

I will object because, in addition to the multiple inquiries I have made that are still unanswered, I sent another letter to the State Department today and the Department has failed to confirm receipt, yet again. In addition, my staff placed multiple phone calls to Department personnel to inquire as to the status of the most recent letter. Department personnel have failed even to return phone calls.

I warned the Department that if they failed to change their ways that I would be forced to escalate the scope of my intent to object to unanimous consent requests by including Foreign Service officer candidates. My objection is not intended to question the credentials of the individuals up for appointment. However, the Department must recognize that it has an obligation to respond to congressional inquiries in a timely and reasonable manner.

APPROPRIATIONS

Ms. MIKULSKI. Mr. President, this month the Senate Appropriations Committee completed its work on 12 bills