years of experience as a lawyer in private practice, Mr. McConnell has the strong support of both Senators from Rhode Island. Individuals and organizations from across the political spectrum in that state have called for Mr. McConnell’s confirmation. The Providence Journal endorsed his nomination by saying that he “in his legal work and community leadership has shown that he has integrity, intelligence, character, compassion, and independence to be a distinguished jurist.” A two-thirds majority of the Judiciary Committee, including Senator Graham, voted to favorably report Mr. McConnell’s nomination for confirmation.

The Senate should also have been able to have a debate and a vote on the nomination of Goodwin Liu of California to the Ninth Circuit Court of Appeals. He is a professor at the University of California at Berkeley School of Law, and was nominated by President Obama to fill an emergency vacancy on the Ninth Circuit. An acclaimed scholar and a nationally recognized expert on constitutional law and federalism law and policy, Professor Liu earned the highest possible rating, unanimously well qualified, from theABA’s Standing Committee on the Federal Judiciary. He is a former Supreme Court clerk and a Rhodes Scholar who would be only the second, active Asian Pacific American judge to serve on a Federal appellate court. Both of Professor Liu’s home state Senators support his nomination.

The conservative, Republican-appointed Chief Judge of the Ninth Circuit to which Professor Liu has been nominated has written the Senate to inform us of crushing caseloads and the urgent need for new judges. Justice Anthony Kennedy this August warned the Ninth Circuit Judicial Conference about the threat posed by skyrocketing judicial vacancies in California and throughout the country. He noted that, “if judicial excellence is cast upon a sea of cruel indifference, the rule of law is imperiled.”

Rather than following a partisan playbook, I wish Republican Senators had listened to the cross-section of people and organizations from across the political spectrum that have written in strong support of Professor Liu’s qualifications to serve on the Ninth Circuit. These former prosecutors and judges, presidents of universities, renowned academics, distinguished practitioners, advocate groups, and district attorneys believe Professor Liu would make an excellent Federal judge. So do I.

I reviewed the record of each of these nominees targeted for Republican opposition, and considered their character, background, and qualifications. I believe they each would have been confirmed by the Senate. That they will not be conservative activist judges should not disqualify them from consideration by the Senate or from serving on the Federal bench.

In addition to these nominees, there has been a destructive tactic in which Senate Republicans have systematically delayed votes on consensus nominations. The length of time nominations were stalled before a final Senate vote is the product of that systematic delay. The fact is that nominations have taken on average six times as long before final Senate consideration after being reported from the Judiciary Committee, when comparing the confirmations in the first two years of the Bush and Obama administrations. Several consensus nominations that were eventually confirmed unanimously required cloture petitions to be filed just to be considered. Other evidence is the fact that more than a dozen consensus judicial nominations that have been through the entire process are being delayed a final vote as the Senate adjourns. I know of no precedent for this. Indeed, in the lame duck session at the end of President Bush’s second year in office, we proceeded to report and confirm controversial circuit court nominees. That the Senate is not being allowed to confirm consensus nominees awaiting a final vote is a shame and an unnecessary burden on them and their families and for the courts and people they would serve.

It is a travesty that all of the well-qualified nominees favorably reported by the Judiciary Committee could not be confirmed before this Congress adjourns. That is what we did when we confirmed 100 judicial nominees of President Bush in 2001 and 2002. All 100 nominees reported favorably by the Judiciary Committee received Senate votes and were confirmed, all 100. They include 20 during the lame duck session that year and circuit court nominees reported after the election. This year even consensus nominees are not being allowed to be considered.

When the Senate returns for the 112th Congress I hope that all Senators will learn from the mounting judicial vacancies and failure to make progress in this Congress. I hope that we can follow a path toward restoring policy, and that the Senate’s longstanding traditions of expeditiously considering nominations and reject the obstruction that blocked progress. We must do better to address the needs of the Federal courts and the American people who depend on them for justice.

LEGISLATIVE SESSION

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

ORDER FOR ADJOURNMENT SINE DIE

Mr. BAYH. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn sine die under the provisions of H. Con. Res. 336. The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JANUARY 5, 2011

Mr. BAYH. Madam President, I further ask unanimous consent that when the Senate returns on Wednesday, January 5, at 12 noon, following the prayer and pledge and following the presentation of the certificates of election and the swearing in of elected Members, and the required live quorum, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. BAYH. Madam President, there will be a live quorum at 12 noon on Wednesday, January 5, to convene the 112th Congress. Senators are encouraged to report to the floor at that time.

NOMINATIONS RETURNED TO THE PRESIDENT

The following nominations transmitted by the President of the United States to the Senate during the second session of the 111th Congress, and upon which no action was had at the time of the sine die adjournment of the Senate, failed of confirmation under the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE IN- SPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.


MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014.

JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.


MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014.


MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014.
Robert Stephen Ford, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, is appointed ambassador extraordinary and plenipotentiary of the United States of America to the Republic of Turkey.

Mary Leon Palmier, of Georgia, a career member of the Senior Foreign Service, class of Minister-Counselor, is appointed ambassador extraordinary and plenipotentiary of the United States of America to the Republic of Uzbekistan.

Francis Joseph Scaccione, Jr., of Massachusetts, is appointed ambassador extraordinary and plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

U.S. Capitol Police, Class of Foreign Service, to be managing agent of the United States Foreign Service.

Miri Regev, of Israel, is appointed ambassador extraordinary and plenipotentiary of the United States of America to the Republic of El Salvador.

Sue Katherine Brown, of Texas, a career member of the Senior Foreign Service, class of Minister-Counselor, is appointed ambassador extraordinary and plenipotentiary of the United States of America to the Kyrgyz Republic.

Daniel L. Shields III, of Pennsylvania, a career member of the Senior Foreign Service, class of Minister-Counselor, is appointed ambassador extraordinary and plenipotentiary of the United States of America to Montenegro.

Frances M.D. Gulland, of California, a career member of the Senior Foreign Service, class of Minister-Counselor, is appointed ambassador extraordinary and plenipotentiary of the United States of America to Tunisia.

Thomas H. Niles, of New York, to be a member of the Board of Directors of the National New Media Commission for a term of five years.

Mary Jeanne Jenkins, of Florida, to be a member of the board of directors of the President’s Commission on Presidential Debates for a term expiring January 20, 2015.

Michael W. Green, of Georgia, to be a career presidential appointee to the National Reconnaissance Office for a term of four years, to which position he was appointed during the last recess of the Senate.

Jeffrey Alan Goldstein, of New York, to be a member of the Board of Directors of the National Endowment for the Humanities for a term expiring September 17, 2013.

Timothy Charlees Schriver, of Pennsylvania, to be an individual to serve as a member of the Office of the Superintendent of Bankruptcy for a term expiring November 14, 2014.

Timothy Charlees Schriver, of Pennsylvania, to be an individual to serve as a member of the International Revenue Service Oversight Board for a term expiring September 30, 2017.
S11072
CONGRESSIONAL RECORD — SENATE
December 22, 2010

THE JUDICIARY

AMY TOTENBERG, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

EDWARD CARROLL, DUMONT, OF THE DISTRICT OF COLOMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE D.C. CIRCUIT.

PAUL KING, OF ARKANSAS, TO BE UNITED STATES COURT OF APPEALS JUDGE FOR THE EIGHTH CIRCUIT.

M. CASEY ADAMS, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KANSAS.

CAROLYN N. LERNER, OF MARYLAND, TO BE CHIEF JUDGE OF THE UNITED STATES TAX COURT.

KATHLEEN M. WILLIAMS, OF FLORIDA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

GEOFFREY S. KOH, OF MARYLAND, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

STEVE V. ROBACK, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

JUDY D. ACKER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALABAMA.

SUE ANNE HAYES, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF GEORGIA.

BRUCE E. SITES, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

JAMES D. ROGERS, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

RICHARD J. DURAN, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

RICHARD L. LEON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

REBECCA J. TIPPS, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALABAMA.

MICHAEL R. CAVUOZZO, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SCIENCE FOUNDATION.

ERIKA B. WOODRUFF, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CALIFORNIA.

CATHY M. DAVIDSON, OF NORTH CAROLINA, TO BE A UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH CAROLINA.

HARVEY H. STROPE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PENNSYLVANIA.

ERIC G. POSTEL, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF Commerce.

MARK RAYMOND HORN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

ROBERT DAVID MARIANI, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

JAMES D. ROGERS, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ERIC G. FOSTEL, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

UNITED STATES INSTITUTE OF PEACE

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE.

UNITED STATES TAX COURT

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

MARGARET A. POLY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATION OF BRIGADIER GENERAL RICHARD T. DEVIEREAUX, TO BE MAJOR GENERAL.

AIR FORCE NOMINATION OF MAJ. GEN. ROBIN R. BAMBACH, TO BE RANGER GENERAL.

AIR FORCE NOMINATIONS BEGINNING WITH BRIGADIER GENERAL WILLIAM R. RICE AND ENDING WITH COLONEL NEL ASHLEY W. HAYT, JR., WHICH NOMINATIONS WERE RECEIVED BY SENATE SECRETARY AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2010.

NAVY NOMINATION OF COL. DONALD F. DUNBAR, TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATION OF COLONEL JOYCE J. DANIELS, TO BE MAJOR GENERAL.

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