

EXECUTIVE SESSION

NOMINATION OF CATHY BISSOON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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

The assistant legislative clerk read the nomination of Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to the Western District of Pennsylvania, one of 27 judicial nominations reported favorably by the Judiciary Committee and on the Senate's Executive Calendar awaiting a vote. Like 24 of those 27 nominations, the nomination of Judge Bissoon was reported unanimously by the Judiciary Committee, with every Republican and every Democrat voting in support. Judge Bissoon is supported by both of her home State Senators, Senator CASEY, a Democrat, and Senator TOOMEY, a Republican. I am glad we are finally able to vote on this nomination nearly 3 months after it was reported. I have heard no reason or explanation from the Republican leadership for this delayed action.

There is no good reason or explanation for the Republican leadership's refusal to vote on the other two dozen consensus nominees stalled before the Senate, while a judicial vacancies crisis continues to affect the Federal courts and hurt the American people. These are all nominations that have gone through an extensive process. They were considered by the White House and vetted before the President nominated them. The White House has worked with the home State Senators, Republicans and Democrats, and each is supported by both home State Senators. The FBI has conducted a thorough background review. The ABA's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. The Judiciary Committee has held a hearing on each nominee, and each has responded to extensive questioning. When they are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they can start serving the American people.

With Republican agreement, we could vote not just on one district court nomination, but on all 27 of the nominations reported by the Committee. I trust that the Senate will be allowed to confirm additional judicial nomina-

tions this week, before the upcoming recess, so that we can begin to build on the agreement by the Senate leadership in September to finally have votes on long stalled judicial nominees. Votes on 4 to 6 nominations are what is required every week throughout the rest of this year if we are to bring down a judicial vacancy rate that remains at nearly 11 percent, with 90 vacancies on Federal courts around the country.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations on the Senate calendar was fully considered by the Judiciary Committee after a thorough but fair process. We have worked hard to ensure that the Committee continues to make progress on nominations. Our cooperation and work on the Committee makes the continuing extensive and unexplained delays in the Senate's consideration of judicial nominations even harder to understand.

These delays are damaging to the Federal courts and the American people who depend on them. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. The number of judicial vacancies has been at or above 90 for well over 2 years. We must bring an end to these needless delays in the Senate so that our Federal courts can better serve the American people.

More than half of all Americans—almost 170 million—live in districts or circuits that have a judicial vacancy that could be filled today if the Senate Republicans just agreed to vote on the nominations now pending on the Senate calendar. As many as 25 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should apologize to the American people or at least explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

In recent letters to the Senate Majority Leader and Republican leader, ABA President Bill Robinson highlighted the problems created by these excessive vacancies on the Federal courts, writing:

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—busi-

nesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

I ask unanimous consent that copies of Mr. Robinson's October 13 letters to the Senate leaders be included at the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Those of us serving on the Senate Judiciary Committee are making this kind of "sustained, concerted, and cooperative effort." Regrettably, that effort is not duplicated by the Senate, because the Senate Republican leadership continues to object, stall and delay consideration of these much-needed judges.

This is not a partisan issue. Two weeks ago in a hearing before the Judiciary Committee, Justice Scalia agreed that the extensive delays in the confirmation process are already having a chilling effect on the ability to attract talented nominees to the Federal bench. Chief Justice Roberts has also described the "persistent problem of judicial vacancies in critically overworked districts." Hardworking Americans are denied justice when their cases are delayed by overburdened courts. While people appearing in court are waiting years before a judge rules on their case, they feel they are being forced to live the old adage "justice delayed is justice denied."

I have heard Republican Senators come to the floor purporting to justify their delays by selectively pointing to past instances in which Democratic Senators opposed a handful of President Bush's most ideological nominations. Their misguided attempt to go "tit for tat" and settle a political score on nominations ignores the realities of the crisis in judicial vacancies created by their delays. They ignore the fact that President Obama's current nominees are not divisive, ideological picks, but consensus, qualified nominees who are being blocked across the board for no good reason.

Senate Republicans also ignore the actual record on nominations established by Senate Democrats in considering President Bush's nominations. In the 17 months I chaired the Judiciary Committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. In stark contrast, it has taken us twice as long—34 months—to confirm just over 100 of President Obama's judicial nominations. In President Bush's first term we confirmed a total of 205 Federal circuit and district court judges. As of today, we have almost 100 confirmations of President Obama's circuit and district court nominations to go in order to match that total during the next 12 months. Given the obstruction and delays during these first 3 years of President Obama's administration, we have a lot of ground to make up and

need to get started if the Senate is to be as productive as we were during President Bush's first term.

Democrats did not go "tit for tat" on nominations during President Bush's first years in office. Even though Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed to more than 110, we proceeded. As I have noted, we confirmed 100 in 17 months during President Bush's first 2 years. Now, however, Senate Republicans have not built on that progress and bipartisan cooperation but have returned, instead, to their practices of obstruction in order to hold judicial vacancies open, rather than confirm the nominations of a Democratic President. And as a result, judicial vacancies have skyrocketed, again. At this point in President Bush's first term we had confirmed 162 Federal circuit and district court judges, and the vacancy rate was down to 5 percent, with 46 vacancies. Vacancies are now twice as high with a vacancy rate of nearly 11 percent and vacancies again at 90, where they have been for well over 2 years.

This is not the way to make real progress. In the past, we were able to confirm consensus nominees more promptly, often within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

There is no good reason for the Republican refusal to consent to votes on three circuit court nominations which were favorably reported by the Judiciary Committee many months ago. We should be able to have a debate and vote on the nomination of Caitlin Halligan, the superbly qualified nominee to the ninth seat on the D.C. Circuit reported by the Judiciary Committee over seven months ago. She is a highly-respected appellate litigator who has excelled in private practice and public service, including 6 years as Solicitor General of the State of New York, and her nomination has the strong support of law enforcement and a number of prominent conservative lawyers. With a new vacancy on that court, it is now more than one-quarter vacant. Four of President Bush's D.C. Circuit nominees were confirmed to that Court, twice filling the tenth seat and once filling the eleventh seat. There is no reason we cannot now confirm President Obama's first D.C. Circuit nominee to fill the ninth seat.

There is also no reason for the Senate to have been required by Republican objection to have skipped the nominations of Stephen Higginson of Louisiana to the Fifth Circuit and Christopher Droney of Connecticut to the Second Circuit. Each has been nominated to fill a judicial emergency

vacancy and each was reported unanimously by the Committee three months ago and before the nomination being considered today. In fact the Senate has only been allowed to consider 5 circuit court nominations this entire Congress. This stands in sharp contrast to the 17 circuit court nominations in 17 months that we confirmed when I chaired the Judiciary Committee in 2001 and 2002 and President Bush was in the White House.

The delays which have led to the damaging backlog in judicial nominations are compounded by attempts by Senate Republicans to use invented controversies to damage qualified nominees. The decision by the entire Republican caucus to vote against the nomination of Alison Nathan to the Southern District of New York last week reminded me of the shameful party line vote which defeated President Clinton's nominee of Justice Ronnie White of Missouri in 1999. Even though Alison Nathan's nomination had been reported in July with the support of half of the Republican members of the Committee, last week those Senators flipped their votes and all Republican Senators voted as a bloc against confirming her to the Federal bench. That was extraordinary. Fortunately, they did not prevail and Judge Nathan, an accomplished, impressive nominee, was confirmed. She deserved better treatment by Senate Republicans, not their party line opposition.

Today the Senate finally considers the nomination of Cathy Bissoon. She will make a superb addition to the Federal bench. She is already well-known on the court to which she is nominated, having served as a Magistrate Judge for the Western District of Pennsylvania since 2008, when she became the first Hispanic woman appointed to that role. She also clerked for Judge Lancaster of the Western District following law school. Judge Bissoon worked in private practice for 14 years at Cohen & Grigsby and Reed Smith in Pittsburgh, Pennsylvania. Both of Pennsylvania's Senators support her nomination. Senator CASEY, in particular, has worked very hard to help us get to this day. The Judiciary Committee favorably reported Judge Bissoon's nomination without dissent in July. When confirmed, she will be the first Hispanic woman to serve the Western District of Pennsylvania as a Federal judge.

I hope we can consider additional judicial nominations this week to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for over 2 years. We can and must do better for the nearly 170 million Americans being made to suffer by these unnecessary Senate delays.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
Chicago, IL, October 13, 2011.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR REPUBLICAN LEADER MCCONNELL: I am writing on behalf of the American Bar Association to commend you on the confirmation of ten judges during the past two weeks. Your agreement with Senator McConnell allowed a higher number of judges to be confirmed than in any prior month this Congress. Moreover, your scheduling of the first six nomination votes on the same day was a welcome departure from the general pattern observed this Congress of considering only one or two nominees at a time. We strongly encourage you to continue to schedule same-day votes on multiple nominees throughout the rest of the session. Nothing less than a sustained, concerted, and cooperative effort will be sufficient to make discernible progress in reducing the longstanding and dangerously high vacancy rate on the federal courts. And, as important, nothing less will assure litigants—businesses and aggrieved individuals alike—that our federal courts have sufficient judges to hear their cases in a timely and thorough fashion.

Filling existing vacancies on the federal bench has become a matter of increasing urgency. Across the nation, federal courts with high caseloads and longstanding or multiple vacancies have no choice but to delay or temporarily suspend their civil dockets due to Speedy Trial Act requirements. This deprives our federal courts of the capacity to deliver timely justice in civil matters and has real consequences for the financial well-being of businesses and for individual litigants whose lives are put on hold pending resolution of their disputes.

The effect of the recent confirmations on the overall vacancy rate amply attests to the need for continued bipartisan action to achieve progress. On September 7, the day after the Senate's first confirmation vote since its return from the August recess, there were 91 vacancies on the federal bench. Despite the recent confirmation of ten judges, there are 92 vacancies on the bench today because of recent retirements and a death. Regrettably, this outcome is not an aberration or product of selective statistical reporting; even though the Senate has confirmed from one to seven judges every month this Congress, the vacancy rate continues to hover around 10 percent—right where it has been for the past 24 months.

However, if the Senate were to confirm by the end of this month the 29 nominees currently pending on the floor who were reported from the Judiciary Committee by bipartisan voice vote, the vacancy rate would drop to approximately seven percent, absent unanticipated events. That would be a real accomplishment.

We urge you to build on your recent success by continuing to reach agreements to schedule multiple nominees for votes on the same day at regular intervals throughout the remainder of this session. Given the long-term backlogs, it is important that confirmations outpace attrition and that the Senate has the opportunity to achieve significant success in reducing the vacancy rate and providing the federal judiciary with the judges it needs to evaluate each case on its merits and dispense timely justice to all.

Sincerely,

WM. T. (BILL) ROBINSON III,
President.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Cathy Bissoon to be U.S. District Judge for the Western District

of Pennsylvania. Today's vote marks the 49th judicial confirmation this year and the 11th in just 2 weeks.

In committee we continue to achieve great progress as well. Eighty-four percent of the judicial nominees submitted this Congress have been afforded hearings. We have reported 77 percent of the judicial nominees. We have another hearing scheduled for later this week, our 16th nomination hearing of this year. In total, the committee has taken positive action on 85 of the 98 nominees submitted this Congress, or 87 percent.

Let me say just a few words about the nominee we are considering today.

Judge Bissoon graduated summa cum laude from Alfred University with a bachelor of arts in 1990. In 1993, she earned her juris doctorate from Harvard Law School. Judge Bissoon began her career at Reed Smith in Pittsburgh, PA, and then clerked for Judge Gary Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Following her clerkship, Judge Bissoon returned to private practice at Reed Smith where she worked primarily with employment and labor litigation. Judge Bissoon also served as the Firmwide director of diversity and as the firmwide practice group leader of Reed Smith's employment practice group. From 2007 to 2008, Judge Bissoon continued to practice employment and labor law as the Director and Department head of the labor group at Cohen & Grigsby.

In August 2008, the U.S. District Court for the Western District of Pennsylvania appointed Judge Bissoon as a U.S. magistrate judge.

Judge Bissoon received a unanimous "Qualified" rating from the ABA Committee on the Federal Judiciary.

I support this nomination and congratulate her on her professional accomplishments.

Mr. LEAHY. I see the senior Senator from Pennsylvania wishes to speak. I will yield to him in a moment.

First, I ask consent that I speak briefly about the Transportation and Highway appropriation bill the Senate is going to next be debating.

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

Mr. LEAHY. I want to thank the subcommittee chair, Senator MURRAY, and the ranking member, Senator COLLINS, for all the assistance they provided to me on several issues that are important to Vermont, especially in the wake of Hurricane Irene's massive devastation a few weeks ago. I have talked on the floor many times about what happened in Vermont with Hurricane Irene.

I was born in Vermont. I have never seen anything like this. It reminds me of the story my grandparents told me of a flood in the early 20th century. We have seen roads, bridges, businesses, homes, farms all over the State wiped out, with repair estimates topping nearly \$900 million.

My wife and I have gone all over the State. I have gone with the Governor, adjutant general, and others, seeing things that literally brought me to tears in our beautiful State. Getting hit like that, it is very clear, as I have talked to the people working, that everybody has pitched in. Whether they are from the town that got hit or the next town over that might not have been hit, everybody has pitched in.

It is clear in our little State of 660,000 people we are stretched to the limit. If we don't have adequate Federal disaster recovery aid, Vermont will not have the resources needed to rebuild the lifelines destroyed—the homes, roads, and businesses represented in the daily lives of so many Vermonters and their communities.

Several Federal disaster programs are woefully underfunded. The highway administration emergency relief fund has less than \$140 million in reserves. It has a backlog of more than \$2 billion to repair projects from previous disasters, including \$700 million from Vermont. HUD had no funding available to provide Community Development Block Grant funding to help our State rebuild. So I pushed hard for the \$1.9 billion in emergency highway funding and for the vital State waivers that allow States to access the crucial repair work they need without overly restrictive cost sharing. I talked to the Governor, Senator SANDERS, Congressman WELCH, other State and municipal officials about Vermont's rebuilding needs.

The Governor was down here last week. We sat in my office to talk about the rebuilding needs. These waivers are always at the top of the priority list or our State is going to be devastated.

There are also in this bill provisions that will permanently shift trucks from overburdened State secondary roads, some of which are now dirt roads because of the flooding. They wind through many downtowns across our State's interstate highways. This will especially help Vermont businesses and communities that are struggling most from the large number of State and local roads heavily damaged by Irene. I was glad to work with Senator COLLINS to include the Vermont provision and any similar provision for Maine. Again, bipartisan cooperation has succeeded.

We included \$400 million in emergency CDBG funding. It is a critical downpayment to address housing needs of those hurt by Irene and the flooding this past spring. We have to do this right away. It will be snowing in Vermont in a matter of weeks. Today is a beautiful day. I have been there long enough to know, if you don't like the weather, wait a minute, it will change. We have to get people back in their homes. Vermonters are working hard to make the necessary funding, but we need this. We need this help.

As a Vermonter said to me: Senator, it appears we can spend unlimited amounts of money to rebuild roads and bridges in Iraq and Afghanistan, and

they just blow them up. Can't we find even a small portion of that money to rebuild roads and bridges and homes in America by Americans for Americans? And Americans will protect them.

I thank the distinguished senior Senator from Pennsylvania, and I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak in favor of the nomination of Judge Cathy Bissoon, and I ask unanimous consent to speak for no more than 10 minutes.

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

Mr. CASEY. Mr. President, I first of all want to thank Senator LEAHY, the chairman of the Judiciary Committee, for working with both parties to move these nominations along. I also want to thank Senator TOOMEY, my colleague from Pennsylvania, for his work and cooperation in moving our Pennsylvania judicial nominees forward. I am grateful for his help and cooperation.

I rise to speak about Judge Cathy Bissoon, who is a daughter of Brooklyn, NY. She was born there and became a Pennsylvanian after law school. Cathy Bissoon is of Hispanic origin. Her mother was from the West Indies and her dad was from Puerto Rico.

When she was 4 years old and living in the Williamsburg section of Brooklyn, her father was stabbed to death in a park blocks from her home. Her mother remarried and her family moved to Queens. As I mentioned before, she moved to Pittsburgh after law school. This is a remarkable American story. It is an American story of economic achievement, of overcoming obstacles, and of striving for excellence.

Her educational background is stellar as well. She received her jurist doctorate degree in 1993 from Harvard Law School, after receiving her degree in political science summa cum laude in 1990 from Alfred University in Alfred, NY.

A quick summary of her career is as follows:

Her service as a U.S. magistrate judge for the Western District of Pennsylvania, a position that she held in the Court's Pittsburgh division since the year 2008.

From 2007 until her appointment to the bench, Judge Bissoon was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the labor and employment group.

Previously she was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate in that same firm beginning in 1993.

So she has a long record of service as a lawyer and advocate and someone whose career has been marked by distinction in the law as well as a judge.

She also served as the Reed Smith law firm director of diversity. It was a diversity initiative she developed to recruit, retain, and promote minority lawyers.

From 1994 to 1995 she was a law clerk for the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

This is a nomination that has not only received bipartisan support, but it is a nomination I think we can all be proud to advance and vote on today.

I urge all my colleagues to give an affirmative vote to Judge Bissoon.

I know we are limited to time. As my colleague, Senator TOOMEY, mentioned a couple of moments ago, we will be moving, we hope, soon to the consideration of two other nominees, and I want to make some comments for the RECORD for both of those.

Mark Hornak was born in Homestead, PA. He received his law degree summa cum laude in 1981 from the University of Pittsburgh School of Law and graduated second in his class and was editor-in-chief of the University of Pittsburgh Law Review.

He received his undergraduate degree cum laude in 1978 from the University of Pittsburgh and was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar, and on the dean's list.

He has been a partner in the law firm of Buchanan Ingersoll & Rooney since 1982 where he specialized in media, defense, governmental representation, and is a member of the firm's executive committee.

As I said before, I will include other references to his career as a lawyer and advocate. I have known Mark for a long time. I know him to be a person of integrity and someone who would serve our State with distinction in the Western District of Pennsylvania.

Finally, someone I have known for over 20 years, Robert David Mariani. Bob has been in practice as a civil litigator in my hometown of Scranton for some 34 years. His educational background is equally as distinguished as our other nominees. He received his law degree cum laude in 1976 from Syracuse University College of Law and his undergraduate degree in 1972 from Villanova University, also cum laude.

Since 2001, he has been the sole shareholder in the law firm of Robert D. Mariani P.C. He has been an instructor for 5 years in the Union Leadership Academy Program sponsored by Penn State University, and was sole proprietor in his own law firm from 1993 to 2001. Of course, he was a partner in the same firm, or a similar firm by the name of Mariani & Greco from 1993.

When my father served as Governor of Pennsylvania, he nominated Bob to fill a vacancy on the Pennsylvania Superior Court. It was a great honor. I know how high his standards were. Bob Mariani comes to this appointment with great distinction, a long and distinguished career in the law, and I know he will be a great judge in the Middle District of Pennsylvania.

I will conclude by saying I could say more about Judge Bissoon, Mark Hornak, and Bob Mariani, but their record will be amplified by written

commentary of their achievements, and I ask unanimous consent to have printed in the RECORD a more thorough summary of their qualifications at this time.

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

CATHY BISSOON

Birthplace: Brooklyn, New York.

Hispanic, mother from the West Indies, father was Puerto Rican.

When she was 4 years old and living in Williamsburg, Brooklyn, her father was stabbed to death in a park blocks from her home.

Her mother remarried and her family moved to Queens.

Moved to Pittsburgh after law school.

Education: Received her J.D. in 1993 from Harvard Law School, and her B.A. Political Science (summa cum laude) in 1990 from Alfred University in Alfred, New York.

Career:

Serves as United States Magistrate Judge for the Western District of Pennsylvania, a position she has held in the Court's Pittsburgh Division since 2008.

From 2007 until her appointment to the bench, she was in private practice in Pittsburgh as a director of the law firm of Cohen & Grigsby, where she served as the head of the Labor & Employment Group.

Previously was a partner in the law firm of Reed Smith from 2001 to 2007 and an associate at the same firm beginning in 1993.

Served as Reed Smith's Director of Diversity for six years, a diversity initiative she developed to recruit, retain and promote more minorities.

From 1994 to 1995, she was a law clerk to the Honorable Gary L. Lancaster of the U.S. District Court for the Western District of Pennsylvania.

Honors and Awards:

Recipient of the Thurgood Marshall Multicultural Prism Award from Minorities in Business Magazine for individual contributions to diversity in the legal profession (2006).

Was Named Fellow of the Litigation Council of America (formerly the American Academy of Trial Counsel) (2007-2008).

Listed multiple years in the Best Lawyers in America.

Named a "Pennsylvania Super Lawyer" by Philadelphia Magazine.

Named by Chambers USA as one of the top employment lawyers in Pennsylvania (2004-2008).

Was recognized as one of the top 50 lawyers in Pennsylvania under the age of 40 by Pennsylvania Law Weekly.

Was honored by Pittsburgh Professional Women as one of their 2010 Women of Integrity for her leadership, ethics and community service.

MARK RAYMOND HORNAK

Birthplace: Homestead, Pennsylvania

Education:

Received his J.D. summa cum laude in 1981 from the University of Pittsburgh School of Law, graduated second in his class and was Editor-in-Chief of the University of Pittsburgh Law Review.

Received his B.A. cum laude in 1978 from the University of Pittsburgh, was a member of Omicron Delta Kappa Honorary Society, a National Merit Scholar and on the Dean's List.

Career:

Has been a partner at the law firm of Buchanan Ingersoll & Rooney PC since 1982, where he specializes in civil litigation, labor and employment law, media defense and governmental representation and is a member of the firm's Executive Committee.

Is the solicitor of the Sports & Exhibition Authority of Pittsburgh and Allegheny County, which owns PNC Park, Heinz Field, the David L. Lawrence Convention Center and Consol Energy Center and represents the authority in litigation and transactional matters.

Also represent national television, radio and publishing clients in media litigation, including defamation, First Amendment and access issues, and in transactional matters.

Prior to joining Buchanan Ingersoll & Rooney PC in 1982, Honak served as a law clerk to the Honorable James M. Sproule of the U.S. Court of Appeals for the Fourth Circuit.

Honors and Awards:

Was selected by his peers for inclusion in the 2003-2010 editions of Chambers Guide to America's Leading Business Lawyers.

From 2004 to 2010 was selected as a "Top 50 Lawyer in Pittsburgh".

Has also been repeatedly selected to the Pennsylvania Super Lawyers® list and selected by his peers for inclusion in The Best Lawyers in America, 2006-2010.

ROBERT DAVID MARIANI:

Birthplace: Scranton, Pennsylvania.

Education: Received his J.D. cum laude in 1976 from Syracuse University College of Law and his A.B. cum laude in 1972 from Villanova University.

Career:

Has spent the past 34 years as a civil litigator in Scranton, Pennsylvania, where he specializes in labor and employment law.

Since 2001, he has been sole shareholder in the law firm of Robert D. Mariani, P.C.

Has been an instructor for 5 years in the Union Leadership Academy Program sponsored by the Pennsylvania State University.

Was sole proprietor in the Law Office of Robert D. Mariani from 1993 to 2001 and was a partner in the law firm of Mariani & Greco from 1979 to 1993.

Honors and Awards:

Nominated by Governor Robert P. Casey February 1993 to fill an interim vacancy on the Pennsylvania Superior Court.

Named Contributing Editor of The Developing Labor Law, Third Edition, published by the ABA and the Bureau of National Affairs, Inc., and the 1990-1992, 1994, 1996, 1997 and 1998 Supplements thereto, and Fourth Edition and 2002 Supplement thereto.

Listed in the Martindale-Hubbell 1997 through 2010 Bar Register of Preeminent Lawyers in the category of Labor and Employment Law with a rating of "AV." 'A' rating is the highest legal ability rating, while the 'V' signifies very high adherence to professional standards of conduct, ethics, reliability and diligence."

Listed in the "Super Lawyers" Edition of Philadelphia Magazine in Labor and Employment Law in years 2005 through 2009.

Mr. CASEY. Mr. President, I am grateful that these candidates have put themselves forward for public service on our Federal bench, and we are looking forward today to a strong vote for Judge Bissoon when we get to her vote this afternoon.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk will call the roll.

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

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

All time has expired.

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

Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania?

The yeas and nays were previously ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mrs. McCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. ISAKSON), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nevada (Mr. HELLER), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea" and the Senator from Georgia (Mr. ISAKSON) would have voted "yea."

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

The result was announced—yeas 82, nays 3, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—82

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hoeben	Portman
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boozman	Johanns	Reid
Boxer	Johnson (SD)	Roberts
Brown (MA)	Johnson (WI)	Rockefeller
Brown (OH)	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Lee	Tester
Collins	Levin	Thune
Conrad	Lieberman	Toomey
Coons	Lugar	Udall (CO)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McConnell	Whitehouse
Durbin	Menendez	
Enzi	Merkley	

NAYS—3

Blunt	Inhofe	Paul
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NOT VOTING—15

Burr	Heller	Rubio
Cantwell	Isakson	Udall (NM)
DeMint	Klobuchar	Webb
Graham	McCaskill	Wicker
Hatch	Risch	Wyden

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.

AGRICULTURE RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair. Shortly, along with the Senator from Colorado, I am going to discuss an amendment to the Agriculture appropriations bill we have offered. But, first, I am going to yield to the Senator from Texas for the purpose of his offering an amendment.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 775 TO AMENDMENT NO. 738

Mr. CORNYN. I thank the Senator from Maine. I have an amendment at the desk. I ask that it be called up and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 775 to amendment No. 738.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit funding for Operation Fast and Furious or similar "gun walking" programs)

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor and control such firearms at all times.

Mr. CORNYN. I will be back to talk to the substance of my amendment.

I yield the floor, and I thank the Senator from Maine.

Ms. COLLINS. Mr. President, I rise this evening to discuss an amendment numbered 757 that I have offered with my colleague from Colorado, Senator MARK UDALL, that would protect the flexibility of schools to serve healthy vegetables in the National School Lunch and School Breakfast Programs. This is a bipartisan amendment that we are offering. It is cosponsored by Senators CRAPO, RISCH, SNOWE, AYOTTE, WYDEN, JOHANNIS, NELSON of Nebraska, MIKULSKI, and HOVEN.

Earlier this year, the U.S. Department of Agriculture proposed a rule that would limit servings of a certain category of vegetables that includes white potatoes, corn, peas, and lima beans. It would limit them to a total of one cup per week in the National School Lunch Program.

The proposed rule would also ban this category of vegetables altogether from

the School Breakfast Program. Our bipartisan amendment would prevent the Department of Agriculture from moving forward with this arbitrary limitation. I am concerned the proposed rule would impose significant cuts on schools and would limit the flexibility they need to serve nutritious, affordable meals to their students.

For those who are less familiar with this issue, let me give my colleagues some background. Current law already requires the School Lunch and School Breakfast Programs to follow the most recent dietary guidelines for Americans. Last year, the USDA released the newest dietary guidelines that call for all Americans of all ages to eat more vegetables.

The 2010 dietary guidelines list four nutrients of concern. They are potassium, dietary fiber, calcium, and vitamin D. The guidelines state that dietary intake of these four nutrients are low enough to be of public health concern for both adults and children.

Since USDA is concerned about a lack of these nutrients in the American diet, it would make sense for the Department to promote good sources of these critical nutrients. Yet the USDA's proposed rule would actually limit vegetables that are good sources of these nutrients. USDA should not limit their availability but instead should encourage their healthy preparation.

For example, here are some nutritional facts about potatoes that are often overlooked. Potatoes have more potassium than bananas, a food commonly associated with this nutrient. Potatoes are cholesterol free, low in fat and sodium, and can be served in countless healthy ways. In fact, a medium baked potato contains 15 percent of the daily recommended value of fiber—that is one of those nutrients of concern—27 percent of the daily recommended value for vitamin B6, 28 percent of the daily recommended amount of vitamin C. This is a great nutritional bargain at about a nickel per serving.

I am going to go on and discuss the rest of the problems with this rule and the solution, but I know my colleague from Colorado is under a time constraint. So at this point I am going to yield to him, my partner in this endeavor, for his statement. Then I will reclaim the floor and continue with my discussion.

The PRESIDING OFFICER (Mr. MANCHIN.) The Senator from Colorado.

Mr. UDALL of Maine for her graciousness and for her leadership on this important amendment that she and I brought to the floor. Clearly, the 2012 Agriculture appropriations bill that will direct the USDA to provide adequate flexibility to schools to deliver students nutritious school meals while effectively managing costs is very important. But we have to do it in the right way. I want to share my thinking on what the right way is.