

confirmations. So this argument of obstruction, of delay, and of unfairness doesn't hold up.

I remind my colleagues on the other side of the aisle of the obstructionism, delay, and filibusters, which they perfected. The history of President Bush's nominees to the ninth circuit provides some very important examples.

President Bush nominated nine individuals to the ninth circuit. Three of those nominations were filibustered. Two of those filibusters were successful. The nominations of Carolyn Kuhl and William Gerry Myers languished for years before being returned to the President. A fourth nominee, Randy Smith, waited over 14 months before finally being confirmed after his nomination was blocked and returned to the President. After being renominated, he was finally confirmed by a unanimous vote.

President Obama, on the other hand, has nominated six individuals to the ninth circuit. Only one of those nominees was subject to a cloture vote. After that vote failed, the nominee withdrew. If confirmed, Mr. Watford will be the fourth nominee of President Obama nominated to serve on the ninth circuit. Those four confirmations took an average of about 8 months from the date of nomination.

For all of President Obama's circuit nominees, the average time for nomination to confirmation is about 242 days. For President Bush's circuit nominees, the average wait for confirmation was 350 days. Given this history that I have spelled out, one might wonder then why President Bush and his nominees were treated differently and so much more unfairly than President Obama's nominees.

Mr. Watford received his B.A. from University of California, Berkeley in 1989 and his J.D. from the University of California, Los Angeles (UCLA) School of Law in 1994. Upon graduation, he clerked for Judge Alex Kozinski on the Ninth Circuit and then for Justice Ginsburg on the Supreme Court. In 1996, he began working as an associate in the Litigation Department at the Los Angeles law firm of Munger, Tolles & Olsen. From 1997-2000, Mr. Watford was an Assistant United States Attorney in the U.S. Attorney's Office for the Central District of California, in Los Angeles, handling a variety of criminal prosecutions, such as immigration, narcotics, firearms trafficking, bank robbery, computer fraud, mail and wire fraud, and securities fraud.

In 2000, Mr. Watford returned to private practice as an associate in the appellate practice group at Sidley & Austin's Los Angeles office. In 2001, he rejoined Munger, Tolles & Olsen as an associate, becoming a partner there in 2003. His practice focuses primarily on appellate litigation, specifically business and commercial disputes. Mr. Watford has also taught a course on Judicial Opinion Writing at the University of Southern California's Gould

School of Law for three semesters (2007, 2008, and 2009).

The ABA Standing Committee on the Federal Judiciary unanimously rated him as Well Qualified for this position.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 3187

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 400, S. 3187, the Food and Drug Administration Safety and Innovation Act, be vitiated; that at 2:15 tomorrow, Tuesday, May 22, the motion to proceed be agreed to; that the Harkin-Enzi substitute amendment, which is at the desk, be agreed to, and the bill, as amended by the Harkin-Enzi substitute, be considered original text for the purposes of further amendment, and that the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, based on this, we will have a vote that should start in 5 minutes, which will be the only vote of the day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I yield back all time and ask unanimous consent that the vote start now.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, will the Senate advise and consent to the nomination of Paul J. Watford, of California, to be United States Circuit Judge for the Ninth Circuit.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

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

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—61

Akaka	Graham	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Kyl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Conrad	Manchin	Warner
Coons	McCain	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—34

Ayotte	Enzi	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Boozman	Hoeven	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Johnson (WI)	Toomey
Corker	Lee	Wicker
Cornyn	McConnell	
Crapo	Moran	

NOT VOTING—5

DeMint	Kirk	Vitter
Heller	McCaskill	

The nomination was confirmed.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader is recognized.

IRAN THREAT REDUCTION ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 1905, the Iran Threat Reduction Act, and that the Senate proceed to its consideration; that the Johnson of South Dakota-Shelby substitute amendment, which is at the desk and is the text of Calendar No. 320, S. 2101, the Iran Sanctions, Accountability, and Human Rights Act, as reported by the Banking Committee, be considered; that a Johnson of South Dakota-Shelby amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and the Senate proceed to a vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection to the consent request?